

DRAFT SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT
FOR THE PROPOSED MERGER OF
MILPITAS REDEVELOPMENT PROJECT
AREA NO. 1 AND THE GREAT MALL
REDEVELOPMENT PROJECT AREA

STATE CLEARINGHOUSE #2006082087

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1. INTRODUCTION

1.1 PURPOSE OF THIS SEIR

Pursuant to California Community Redevelopment Law ("CRL"), the Redevelopment Agency of the City of Milpitas ("Redevelopment Agency") is proposing to adopt amendments to the existing Redevelopment Plans for its Redevelopment Project Area No. 1 and Great Mall Redevelopment Project Area ("Project Areas") to merge these two Project Areas into one "Merged Project Area." The proposed merger amendments ("merger") are intended to provide the Redevelopment Agency with the authority and fiscal ability to further its economic development and housing opportunity improvement objectives in and near the Merged Project Area. In particular, the merger is intended to enable installation of up to three new advertising signs and renovation or replacement of up to two existing advertising signs at locations along the I-880 and I-680 freeway corridors through the City. This report has been prepared by the Redevelopment Agency of the City of Milpitas (Redevelopment Agency) as a **Supplemental Environmental Impact Report (SEIR)** for the proposed merger amendments, pursuant to sections 15162 (Subsequent EIRs and Negative Declarations) and 15163 (Supplement to an EIR) of the California Environmental Quality Act (CEQA) Guidelines.¹

1.2 PROJECT BACKGROUND

Milpitas has established two redevelopment Project Areas: Milpitas Redevelopment Project Area No. 1 ("Project Area No. 1") and the Great Mall Redevelopment Project Area. The Redevelopment Plan for Project Area No. 1 was originally adopted in 1976 and has been amended several times since then, most recently in 2003. Project Area No. 1 currently contains approximately 2,230 acres or 94 percent of the proposed Merged Project Area. The Redevelopment Plan for the Great Mall Project Area was originally adopted in 1993 and has been amended twice since then, most recently in 2001. The Great Mall Redevelopment Project Area currently contains approximately 150 acres or 6 percent of the Merged Project Area. The overall, growth-inducing effects and associated environmental impacts of these two original Redevelopment Plans and subsequent amendments have been adequately addressed in the following three previous Redevelopment Agency-certified Environmental Impact Reports:

- Final Program EIR for the Adoption of the Redevelopment Plan for the Great Mall Project, State Clearinghouse No. 92063043, 1993;
- Final Program EIR for the Plan Amendment to Redevelopment Project Area No. 1, State Clearinghouse No. 9509357, 1996; and
- Final Program EIR for the Eighth Amendment to the Redevelopment Plan for Milpitas Redevelopment Project Area No. 1, State Clearinghouse No. 2002112043, 2003.

¹California Resources Agency. Guidelines for California Environmental Quality Act. California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387 and Appendices A-L; as of January 1, 2006.

1.3 DETERMINATION TO PREPARE A SEIR

Sections 15162 (Subsequent EIRs and Negative Declarations) and 15163 (Supplement to an EIR) of the CEQA Guidelines provide that, when a project has been the subject of a previously certified EIR or SEIR, a supplement to the previously certified EIR or SEIR shall be prepared if changes are proposed in the project which will require minor revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Based on its review of the currently proposed merger amendments to the Redevelopment Plans for Project Area No. 1 and the Great Mall Project Area, the Redevelopment Agency has determined that the proposed merger and associated advertising sign construction, renovation or replacement could result in new significant environmental impacts, and preparation of a supplemental EIR is therefore required pursuant to sections 15162 and 15163 of the CEQA Guidelines.

1.4 SEIR SCOPE

The proposed merger is intended to continue and improve Redevelopment Agency abilities to implement economic development and housing opportunity improvement objectives established in the previously-adopted Redevelopment Plans for Project Area No. 1 and the Great Mall Project Area. The growth-inducing (urban intensification) effects of these two original Redevelopment Plans and subsequent amendments have been and will continue to be dictated by the City of Milpitas General Plan and associated zoning controls.

Pursuant to section 15163 (Supplement to an EIR), this SEIR for the currently-proposed merger amendments will include only the information necessary to make the previous CEQA documentation adequate for the two Redevelopment Projects as amended. The overall growth-inducing effects of the currently-proposed merger amendments and merger-enabled sign improvements will, by law, continue to be dictated by the same General Plan and zoning controls, and will therefore fall within the growth scenarios addressed in the previous CEQA documents listed above. The scope of this SEIR will be limited to evaluation of the new impacts, or substantial increases in the severity of previously-identified impacts, due to the proposed merger, especially the potential impacts of the merger-enabled highway sign construction and renovation or replacement.

Pursuant to CEQA Guidelines section 15082(c) (Notice of Preparation and Determination of Scope of EIR), the Redevelopment Agency has prepared an Initial Study in CEQA-recommended format (August 14, 2006) and has circulated a Notice of Preparation (NOP)¹ to

¹The Notice of Preparation (NOP) is a CEQA-required brief notice sent by the Lead Agency to notify other Responsible Agencies, Trustee Agencies, potentially involved federal agencies, and other interested parties requesting notice, that the Lead Agency plans to prepare an EIR or SEIR for a project. The NOP solicits guidance regarding EIR or SEIR scope and content. The City's NOP for the merger project is included in appendix 11.1 of this SEIR. The NOP was sent with the City's Initial Study and Environmental Checklist Form, which is also in appendix 11.1.

potentially interested other agencies (August 16, 2006), and the Milpitas Planning Commission has conducted a Scoping Meeting,¹ to further establish the focus of the SEIR.

As provided for in the CEQA statutes and guidelines, especially CEQA section 15163, this SEIR includes only the information necessary to make the previous CEQA documentation adequate for the two existing Redevelopment Projects as revised. The environmental focus of this SEIR is limited to areas of controversy or issues related to the proposed project identified by the Redevelopment Agency in its August 14, 2006 Initial Study and by other interested agencies and individuals in response to the Redevelopment Agency's August 16, 2006 NOP and Initial Study. These focused areas include (listed in the order that these topics are addressed in this SEIR):

1. Aesthetics (the potential visual impacts of the proposed new, renovated and/or replaced advertising signs and the consistency of these potential impacts with adopted City and Caltrans aesthetic policies);
2. Land Use and Planning (the consistency of the proposed new, renovated and/or replaced advertising signs with currently adopted City and Caltrans land use policies); and
3. Noise (the potential short-term construction period noise impacts and long-term operational (electronic message board) noise impacts of the new, renovated and/or replaced signs).

1.5 SEIR ORGANIZATION AND CONTENT

The impact and mitigation information in this SEIR is generally organized under the three headings listed in section 1.4 above. The report describes the following in chapters 4 through 6 for each respective impact category:

1. the existing environmental **setting**;
2. any new **supplemental impact** findings, including impacts which were not considered in the previous CEQA documents; and
3. any **supplemental mitigation** recommendations to avoid or reduce impact changes or new impacts not identified in the previous CEQA documents.

In addition, this report includes a chapter summarizing the SEIR information in terms of various CEQA-required assessment conclusions, including growth-inducing effects, significant unavoidable impacts, irreversible environmental changes, cumulative impacts, and effects found not to be significant (chapter 7); a chapter outlining the City's **mitigation monitoring** intentions (chapter 8) in keeping with CEQA section 21081.6; and a chapter describing and comparing various alternatives to the proposed project (chapter 9).

¹The public scoping meeting, noticed in the NOP, was conducted by the Milpitas Planning Commission at its regular meeting of September 13, 2006, pursuant to CEQA Guidelines section 15082(c) (Notice of Preparation and Determination of Scope of EIR), to solicit comments regarding the appropriate scope and content of the SEIR.

1.6 "SIGNIFICANT IMPACTS" AND OTHER KEY SEIR TERMINOLOGY

This SEIR identifies those adverse environmental impacts that are expected to be "significant," and corresponding mitigation measures warranted to eliminate or reduce those impacts to "less-than-significant" levels. Where it is determined in this report that a particular impact cannot be mitigated to a less-than-significant level, the SEIR identifies that impact as "unavoidable." Section 7.2 of this SEIR, Significant Unavoidable Impacts, includes a summary list of all significant project impacts identified as "unavoidable." Identified significant impacts that are not listed as "unavoidable" in section 7.2 have been determined to be capable of mitigation to a less-than-significant level by implementation of the mitigation measure(s) identified in this SEIR.

These particular SEIR terms ("significant," "unavoidable," "mitigation") and other key CEQA terminology used in this SEIR are defined in the box on the next page.

As used in this SEIR, the CEQA terms "project," "Project Area merger," "merger amendments," and "merger," are synonymous and are defined to mean the proposed merger amendments to the existing Redevelopment Plans for Project Area No. 1 and the Great Mall Project Area, as well as all proposed merger-enabled actions to facilitate continued economic development and housing improvement in and near the Merged Project Area, including the installation of up to three new advertising signs and renovation or replacement of up to two existing advertising signs along the I-880 and I-680 freeway corridors through Milpitas.

1.7 INTENDED USES OF THE SEIR

The Redevelopment Agency is the Lead Agency¹ for all environmental documentation and procedural requirements associated with the proposed merger amendments project. This SEIR has been prepared by the Redevelopment Agency in keeping with state environmental documentation requirements set forth in CEQA. The report is intended to inform City of Milpitas and Milpitas Redevelopment Agency decision-makers, other responsible agencies, and the general public of the proposed project and of the environmental consequences of its approval. The SEIR is not intended to address the merits of the project, or the economic or social impacts of the project.

The CEQA Guidelines stipulate that an SEIR is intended to serve as a public information and disclosure document identifying those environmental impacts associated with the proposed project that are expected to be significant, and describing mitigation measures and alternatives that could minimize or eliminate these significant adverse impacts.² Such impacts and mitigation needs are discussed in this SEIR to the level of detail necessary to allow reasoned decisions about the project.

As a result of the information in this SEIR, the City and Redevelopment Agency may act to approve or deny these various actions, and/or incorporate those associated provisions in the merger amendments that it deems warranted in order to mitigate identified project impacts on

¹The CEQA Guidelines (Sections 15000-15387, California Code of Regulations, Title 14, Chapter 3) define the "Lead Agency" as the public agency that has the principal responsibility for carrying out or approving a project.

²CEQA Guidelines section 15121(a).

DEFINITIONS OF KEY EIR TERMINOLOGY

Significant/Potentially Significant Impact

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. (CEQA Guidelines, section 15382.) *"An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."* (CEQA Guidelines, section 15382.)

Significant Cumulative Impact

"Cumulative impacts" are defined as *"two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."* (CEQA Guidelines, section 15355.)

Unavoidable Significant Impact

"Unavoidable significant impacts" are defined as those significant adverse environmental impacts for which either no mitigation or only partial mitigation is feasible. If the project is to be approved without imposing an alternative design, the Lead Agency (the City) must include in the record of the project approval a written statement of the specific reasons to support its action--i.e., a "statement of overriding considerations." (CEQA Guidelines, sections 15126.2(b) and 15093(b).)

Significance Criteria

The criteria used in this EIR to determine whether an impact is or is not *"significant"* are based on (a) CEQA-stipulated "mandatory findings of significance"--i.e., where any of the specific conditions occur under which the Legislature and the Secretary of Resources have determined to constitute a potentially significant effect on the environment, which are listed in CEQA Guidelines section 15065; (b) the relationship of the project effect to the adopted policies, ordinances and standards of the City, and other responsible agencies, pertaining to environmental protection; (c) Appendix G of the CEQA Guidelines (the Environmental Checklist questions); and/or (d) commonly accepted practice and the professional judgment of the EIR authors and Lead Agency staff.

Mitigation Measures

For each significant impact, the EIR must identify a specific "mitigation" measure or set of measures capable of *"(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (d) reducing or eliminating the impact over time by preservation or maintenance operations during the life of the action; or (e) compensating for the impact by replacing or providing substitute resources or environments."* (CEQA Guidelines, section 15370.)

SOURCE: Wagstaff and Associates, 2006.

the environment. As the Lead Agency, the Redevelopment Agency also intends for this SEIR to serve as the CEQA-required environmental documentation for consideration of this project by other Responsible Agencies¹ and Trustee Agencies,² potentially including, but not limited to, the California Department of Transportation (Caltrans).

As set forth under CEQA, the scope of this EIR is limited to the description of those project-related impacts and mitigation measures under the above topic hearings that can be identified at this time, without being highly speculative. CEQA (environmental) review of subsequent more detailed sign design proposals will be undertaken at a later time, if and when such actions come before the City. At that time, when the details of the individual sign designs are sufficiently defined, the design will be subject to its own, specific, environmental determination by the City that either: (1) it is fully covered within the scope of this EIR, (2) it warrants preparation of a negative declaration or mitigated negative declaration (under section 15070 of the CEQA Guidelines), or (3) it warrants preparation of a focused EIR limited to certain site-specific issues. It is intended that this EIR will provide a master environmental document for use by the City as a baseline and context for "tiering" any such subsequent environmental documentation.

¹Under the CEQA Guidelines, the term "Responsible Agency" includes all public agencies, other than the Lead Agency, which have discretionary approval power over aspects of the project for which the Lead Agency has prepared an EIR.

²Under the CEQA Guidelines, the term "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by the project which are held in trust by the people of California.

2. SUMMARY

This SEIR chapter includes a summary description of the proposed project (redevelopment project area merger amendments and associated advertising signage), a summary identification of each anticipated supplemental significant impact resulting from the proposed project, and a summary of each associated supplemental mitigation measure. This summary should not be relied upon for a thorough understanding of the details of the proposed project, its supplemental impacts, and related mitigation measures. Please refer to Chapter 3 for a complete description of the proposed project and Chapters 4 through 6 for a complete description of associated supplemental impacts and mitigation measures.

2.1 SUMMARY OF PROPOSED PROJECT

The Redevelopment Agency of the City of Milpitas ("Redevelopment Agency") is proposing to adopt merger amendments to the existing Redevelopment Plans for the Milpitas Redevelopment Project Area No. 1 and Great Mall Redevelopment Project Area ("Project Areas") in order to continue and improve implementation of the Redevelopment Agency's economic development and housing opportunity improvement objectives in or near the two Project Areas ("Merged Project Area"). The proposed merger amendments ("merger") are expected to help accomplish these objectives by, among other activities, enabling the installation of up to three new advertising signs and the renovation or replacement of up to two existing advertising signs at locations along the I-880 and I-680 highway corridors through the City. Up to two of the signs are expected to include electronic message boards. The remaining signs are expected to be fixed, monument type signs with no electronic message boards.

2.2 SUMMARY OF IDENTIFIED AREAS OF CONTROVERSY

The environmental focus of this SEIR is limited to areas of controversy or issues related to the proposed project identified by the Redevelopment Agency in its August 14, 2006 Initial Study and by other interested agencies and individuals in response to the Redevelopment Agency's August 16, 2006 NOP and Initial Study. These focused areas include (listed in the order that these topics are addressed in this SEIR):

1. Aesthetics (the potential visual impacts of the proposed new, renovated and/or replaced advertising signs and the consistency of these potential impacts with adopted City and Caltrans aesthetic policies);
2. Land Use and Planning (the consistency of the proposed new, renovated and/or replaced advertising signs with currently adopted City and Caltrans land use policies); and
3. Noise (the potential short-term construction period noise impacts and long-term operational (electronic message board) noise impacts of the new, renovated and/or replaced signs).

2.3 SUMMARY OF SUPPLEMENTAL IMPACT AND MITIGATION FINDINGS

Each significant supplemental impact and associated mitigation measure identified in this SEIR is summarized in the SUMMARY OF SUPPLEMENTAL IMPACTS AND MITIGATIONS chart that follows. The summary chart has been organized to correspond with the more detailed supplemental impact and mitigation discussions in Chapters 4 through 6 of this SEIR. The chart is arranged in five columns: (1) significant adverse supplemental environmental impacts, (2) level of impact significance prior to implementation of recommended supplemental mitigation measures, (3) recommended supplemental mitigation measures, (4) entity responsible for implementing each supplemental mitigation measure, and (5) level of impact significance after implementation of the mitigation measure(s).

For a complete description of the environmental setting, supplemental impacts, and supplemental mitigation measures associated with each topic of concern, please refer to Chapters 4 through 6 of this SEIR.

Table 2.1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
	S			SU
AESTHETICS (VISUAL FACTORS)				
Impact 4-1: Potential Adverse Impact of Advertising Signs on Community Character and Image. Current development and vegetation along the I-880 and I-680 freeway segments approaching and traversing Milpitas form the visual perception from the freeway of a base, generally flat visual plane approximately 30 to 40 feet in average height that merges with the horizon. Visible exceptions near the I-880 freeway corridor include the twelve-story Crowne Plaza Hotel (maximum building height: approximately 145 feet) on Bellevue Drive, the six-story Hilton Garden Inn Hotel (maximum height: approximately 75 feet) on Ranch Drive, and the five-story Staybridge Suites Hotel (maximum height: approximately 60 feet) on Cypress Drive, all the southwest quadrant of the I-880/Calaveras Boulevard interchange; the nine-story Sheraton San Jose Hotel (maximum building height: approximately 110 feet) on Barber Lane at the northwest quadrant of the I-880/Montague Expressway interchange; and the nine-story Embassy Suites Hotel (maximum building height: approximately 110 feet) on Calaveras Boulevard near the	S	Mitigation 4-1. Require City architectural design review approval for each of the new and renovated or replaced advertising sign designs. Formulate sign design criteria and sign designs which, to the satisfaction of the City's elected and appointed design review decision-makers, as determined through the City's architectural review process, will minimize the adverse visual (community image) impact of the signs. Effective means to reduce adverse visual impacts could include some combination of the following: <ul style="list-style-type: none"> ▪ reduction in top-of-sign height, ▪ reduction in sign area, ▪ reduction in electronic message board size, ▪ elimination of electronic message board components, and/or ▪ reduction in the mass of the sign support structure, perhaps through use 	City and Redevelopment Agency	SU

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact
 NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
northwest quadrant of the I-680/Calaveras Boulevard interchange.		of an open frame rather than solid structure.		
By design, the new and renovated or replaced advertising signs would be highly prominent in the freeway view. When viewed from most freeway vantage points, the signs would extend significantly above the existing urban plane and would be seen against the open sky, attracting the focus of freeway drivers in the sign vicinity. The height and form of the proposed advertising signs could be perceived by many viewers as visually incongruous elements, having a substantially negative effect on the freeway driving experience. The internal illumination and, especially, the nighttime illumination aspects of the proposed electronic message board components of the advertising signs would exacerbate this perceived effect.		Implementation of such measures would serve to reduce the visual prominence and associated adverse visual impacts of the signs, but not assuredly to less-than-significant levels; therefore, this potential adverse visual effect has been determined to represent a significant unavoidable impact (i.e., would require City/ Redevelopment Agency adoption of a Statement of Overriding Considerations).		
This combination of adverse visual effects would represent a significant adverse visual impact .		Also, in addition to reducing the adverse aesthetic impacts of the signs, such measures could reduce sign effectiveness in meeting the project objectives--i.e., attracting attention to and promoting Merged Project Area businesses.		

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact
 NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<p>Impact 4-2: Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses. The precise location of the proposed new freeway advertising signs has not yet been specified. If directly visible from adjacent or nearby visually-sensitive vantage points, including existing residential properties and hotel suites, the height, scale and form of the proposed new advertising signs proposed for location adjacent to the southbound I-680 approaches to Jacklin Road and Calaveras Boulevard and southbound I-880 approach to Calaveras Boulevard/Alviso-Milpitas Road/SR 237 could be perceived as visually outsized, and obtrusive, with substantially adverse effects on the quality of these views. This effect could also be substantially exacerbated by the proposed internal illumination and, especially, nighttime illumination aspects of the proposed electronic message board components.</p> <p>This combination of adverse visual effects would represent a significant adverse visual impact.</p>	S	<p>Mitigation 4-2. Require City architectural design review approval for each new and renovated or replaced advertising sign. To the extent possible, locate and orient the monument and, especially, the electronic message board signs, in a manner which avoids or minimizes their direct exposure to views from adjacent or nearby residential and hotel suite uses. In addition, aim, focus and shield any detached or attached spot or flood light sources sufficiently to prevent glare or overcast of illumination into adjacent or nearby residential or hotel suite vantage points. Location and orientation of the sign areas to avoid direct exposure to views from adjacent or nearby residential and hotel suite views would reduce this potential visual impact to less than significant levels, but may be impractical, given the advertising objectives of the signs. Therefore, mitigation of this potential adverse visual effect cannot be assured, and the potential effect has been determined to represent a significant unavoidable impact (i.e., would require City/Redevelopment Agency adoption of a Statement of Overriding Considerations).</p>	City and Redevelopment Agency	SU
<p>Impact 4-3: Potential Light and Glare Impacts. By design, the proposed monument and electronic message board advertising signs would be illuminated sufficiently to achieve visual prominence within the adjacent</p>	S	<p>Mitigation 4-3. Require City architectural design review approval for sign lighting designs along I-680. Formulate external and internal illumination designs which, to the satisfaction of the City's elected officials and appointed design</p>	City and Redevelopment Agency	LS

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact
 NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
freeway corridor. Each advertising sign surface (northbound and southbound) is expected to be illuminated by a cluster of light fixtures aimed at the sign surface area. If these fixtures are not aimed properly, they may produce direct glare toward nearby residential and other surrounding uses. High-intensity, upward directed light fixtures and associated "stray light," as well as light from the internally illuminated electronic message board elements, could be visible from surrounding vantage points and could adversely affect nighttime viewing of the sky from nearby vantage points, especially if there is a high level of moisture in the air. Worst-case "stray light" impacts would be expected to occur during periods of dense fog when the sky area above the signs would be most noticeably illuminated by the stray light.		review decision makers, incorporate adjustable illumination optics and other devices, including visors, which will effectively aim, focus and shield the light source and thereby prevent substantial "spill" light reflection upwards, above the sign. Implementation of this measure would reduce this impact to a <i>less-than-significant level</i> .		
The degree of "stray light" effects associated with the proposed new and renovated or replaced advertising signs would depend on the type and design of the lighting. Light fixture internal lens applications ("optics") and visor applications are commonly used by lighting designers to ensure that such external fixtures are properly aimed and their illumination area properly contained to only illuminate the sign area, with sharp cut-off at the sign area perimeter. Such applications (optics and				

- S = Significant
LS = Less than significant
SU = Significant unavoidable impact
NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
visors) can also be adjustable, permitting post-installation adjustments by the lighting contractor to assure accurate illumination aiming and containment, with minimal glare impact to surroundings.				
Under the existing highly urbanized conditions along the I-880 freeway corridor, nighttime sky viewing is already significantly compromised by the existing myriad of stationary and mobile light sources, and this effect would therefore be <i>less-than-significant</i> . However, existing ambient nighttime illumination conditions along the I-680 corridor are not as intensive, and such adverse stray light/glare impacts on nighttime viewing of the sky from adjacent residential areas east of I-680 could be more highly noticeable, representing a <i>significant impact</i> .				
LAND USE AND PLANNING				
Impact 5-1: Potential Adverse Land Use Compatibility Impacts. The proposed merger-enabled new advertising signs and renovated or replaced existing advertising signs may result in perceived height and scale incongruities and light and glare impacts that would be incompatible with existing residential and commercial lodging (hotel) land uses in the sign vicinities. These potential incompatibility	S	Mitigation 5-1: Implement Mitigations 4-1, 4-2 and 4-3. As indicated under the Mitigation 4-3 statement in chapter 4 (Aesthetics) herein, implementation of this measure would reduce potential project light and glare impacts to a less-than-significant level. As indicated under the Mitigation 4-1 and 4-2 statements in chapter 4, herein, implementation of these two measures would serve to reduce the potential	City and Redevelop- ment Agency	SU

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact
 NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
effects, which are further described in this SEIR under Impacts 4-1 (Potential Adverse Impact of Advertising Signs on Community Character), 4-2 (Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses) and 4-3 (Potential Light and Glare Impacts), would be inconsistent with the City's adopted General Plan guiding land use principle to maintain "a highly amenable community environment" (Principle 2.9-G-1) and General Plan community identity policies to "preserve and maintain" the City's "physical setting" (Policy 2.a-l-9) and "foster community pride...through beautification of existing and future development" (Policy 2.a-l-10) and, therefore, represent a significant adverse land use compatibility impact .		impacts of the merger-enabled advertising signs on community character and the potential visual intrusion impacts of the signs on nearby residential and hotel uses, but mitigation of these two impacts to less than significant levels would not be assured. Therefore, this associated land use compatibility effect would represent a significant unavoidable impact (requiring a Statement of Overriding Considerations).		
NOISE				
Impact 6-1: Potentially Disturbing Operational Noise Impacts on Nearby Residential and Hotel Land Uses. The electronic message board components of the proposed new, renovated or replaced advertising signs have not yet been specified in detail. At this preliminary point, based on previous general experience with electronic	S	Mitigation 6-1. To avoid potential electronic message board disturbing noise impacts on the nearest homes and hotels, the electronic message board component designs shall incorporate noise reduction and attenuation remedies sufficient to limit exterior intermittent noise level effects at these nearest homes and hotels to levels (intensity, frequency) which, to	City and Redevelop- ment Agency	LS

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact
 NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<p>message boards at other locations, it is assumed that the cycling (switching) sound of rotating message board "spots," typically at 8-to-10-second duration, may be at audible levels which result in nuisance complaints from residents of the nearest homes along and off of North Hillview Drive south of Jacklin Road or along North Hillview Drive north of Calaveras Boulevard. Similar complaints could also be anticipated from the operators of the nearest hotels at the I-880/Calaveras Boulevard and I-880/Montague Expressway interchanges. All of these designated advertising sign locations are already subject to high existing ambient noise levels associated with the two freeways. Nevertheless, such noise effects could be noticeable and disturbing to nearby residents and hotel patrons during the nighttime hours (10:00 PM to 7:00 AM).</p> <p>The possibility of noticeable noise intrusion indicates a <i>potentially significant noise impact</i> unless adequate noise attenuation is incorporated into the electronic message board designs.</p>		<p>the satisfaction of the City, do not constitute "disturbing noise" as defined in Milpitas Municipal Code Title V (Public Health, Safety and Welfare), Chapter 213 (Noise Abatement); Definition 2.01 ("disturbing noise").</p> <p>Implementation of this measure would reduce this impact to a <i>less-than-significant level</i>.</p>		
<p>Impact 6-2: Project Construction Period Noise. Construction activities associated with the proposed new, renovated or replaced advertising signs, depending upon the amount of activity, the type of construction equipment used, the noise control measures utilized, and</p>	S		City and Redevelopment Agency	LS
		<p>Mitigation 6-2. To reduce the noise impacts from project-related sign construction activities, the following measures shall be implemented as a condition of sign-related grading and building permit approvals:</p>		

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact
 NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
the proximity to noise-sensitive uses, may expose nearest homes along the east side of Hillview Drive or Horcajo Circle (off Jacklin Road) or along the west side of North Hillview Drive (off Calaveras Boulevard) and the nearest hotels in these areas, to noise levels that would interfere with normal activities. This possibility represents a <i>potentially significant impact</i> .		<p>(1) <i>Construction Scheduling</i>. Limit noise-generating construction activity to between the hours of 7:00 AM to 7:00 PM on weekdays and weekends (Milpitas Municipal Code, Title V, Section 213-3.03).</p> <p>(2) <i>Construction Equipment Mufflers and Maintenance</i>. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</p> <p>(3) <i>Equipment Location</i>. Locate all stationary noise-generating equipment as far as possible from nearby residential uses.</p> <p>(4) <i>Construction Traffic</i>. Prohibit construction-related heavy truck traffic in residential areas where feasible.</p> <p>(5) <i>Quiet Equipment Selection</i>. Use quiet construction equipment, particularly air compressors, wherever possible.</p> <p>(6) <i>Noise Disturbance Coordinator</i>. Designate a "Noise Disturbance Coordinator" who would be responsible for responding to any local complaints about construction noise. The Disturbance Coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.</p>		

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact
 NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
		Conspicuously post a telephone number for the Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The City should be responsible for designating a Noise Disturbance Coordinator, and the project sponsor should be responsible for posting the phone number and providing construction schedule notices.)		
		Implementation of these measures would reduce this impact to a <i>less-than-significant level</i> .		

S = Significant
 LS = Less than significant
 SU = Significant unavoidable impact
 NA = Not applicable

Table 2.2
SUMMARY COMPARISON OF ALTERNATIVES--MITIGATING EFFECTS

	<u>Alternative 1: No Project</u>	<u>Alternative 2: Fixed, Monument Type Signs (No Electronic Message Boards)</u>	<u>Alternative 3: Reduced Sign Area & Height</u>	<u>Alternative 4: Reduced Number of Signs</u>
Aesthetics:				
<i>Impact 4-1 (potential adverse impact of advertising signs on community character and image)</i>	Impact avoided	Reduced, but not avoided	Reduced, potentially to less-than-significant level	Reduced, but not avoided
<i>Impact 4-2 (potential advertising sign visual intrusion impacts on nearby residential and hotel uses)</i>	Impact avoided	Reduced, but not avoided	Reduced, but not avoided	Reduced, but not avoided
<i>Impact 4-3 (potential light and glare impacts)</i>	Impact avoided	Reduced, but not avoided	Reduced, but not avoided	Reduced, but not avoided
Land Use and Planning:				
<i>Impact 5-1 (adverse land use compatibility impacts)</i>	Impact avoided	Reduced, but not avoided	Reduced, but not avoided	Reduced, but not avoided
Noise:				
<i>Impact 6-1 (potentially disturbing operational noise impacts on nearby residential and hotel uses)</i>	Impact avoided	Impact avoided	Reduced, but not avoided	Reduced, but not avoided
<i>Impact 6-2 (potential construction period noise impacts)</i>	Impact avoided	Same impact	Same impact	Reduced, but not avoided

SOURCE: Wagstaff and Associates, September 2006.

2.4 SUMMARY OF ALTERNATIVES

2.4.1 Identified Alternatives

The California Environmental Quality Act (CEQA) requires that EIRs contain an analysis of alternatives to the proposed project that would reduce or eliminate environmental impacts. Chapter 9 of this SEIR contains the analysis of alternatives to the proposed project (CEQA Guidelines section 15126.6). The major characteristics of the alternatives addressed in chapter 9 are summarized below:

- **Alternative 1: No Project (Current Redevelopment Project Status).** As required by the CEQA Guidelines (section 15126.6[e][1]), Alternative 1 assumes that the Redevelopment Agency-proposed project area merger and merger-enabled new advertising sign construction and existing advertising sign renovation/replacement actions would not occur, and the existing Redevelopment Plans and Project Area definitions for Project Area No. 1 and the Great Mall Project Area would remain unchanged.
- **Alternative 2: Fixed, Monument-Type Advertising Signs Only (No Electronic Message Boards).** To reduce potential aesthetic, land use and noise impacts, this alternative assumes that the Redevelopment Agency-proposed project area merger and merger-enabled new advertising sign construction and existing advertising sign renovation/replacement actions would occur, but all new and renovated or replaced advertising signs would be limited to fixed copy monument type signs with no electronic reader boards.
- **Alternative 3: Reduced Sign Area and Height.** To reduce potential aesthetic and land use impacts, this alternative assumes that the Redevelopment Agency proposed project area merger and merger-enabled new advertising sign construction and existing advertising sign renovation/replacement actions would occur, but with top-of-sign maximum heights of 40 to 50 feet rather than 60 to 70 feet, and maximum sign surface areas of 15x40 feet rather than 20x60 feet.
- **Alternative 4: Reduced Number of Signs.** To reduce potential aesthetic, land use noise impacts, this alternative assumes that the Redevelopment Agency-proposed project area merger and merger-enabled new advertising sign construction and existing advertising sign renovation/replacement would occur, but with a reduced total number of new and renovated or replaced signs from five to three.

2.4.2 Conclusions: Environmentally Superior Alternative

The CEQA Guidelines (section 15126[e][2]) stipulate, "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Based on the comparative evaluations in chapter 9 herein, as summarized in Table 2.2, other than the "no project" alternative, **Alternative 4: Reduced Number of Signs**, would result in the least adverse combination of environmental impacts and therefore would be the "environmentally superior" alternative. This conclusion is based on the overall reduction in aesthetic and traffic safety (driver distraction) impacts associated with this alternative as compared with the proposed project and other alternatives. It should be noted,

however, that Alternative 4 would not be as effective in attaining the basic project business stimulation objectives.

2.5 MITIGATION IMPLEMENTATION

For those mitigation measures identified in this SEIR, a mitigation monitoring program would be formulated by the Redevelopment Agency and City for use to ensure effective mitigation implementation. Most of the environmental mitigation measures that have been recommended in this SEIR would be subject to effective monitoring through the Agency's and City's normal redevelopment plan amendment and design review procedures. However, to satisfy Public Resources Code section 21081.6 and CEQA Guidelines section 15097, a documented record of implementation (i.e., a mitigation monitoring and reporting program) will be necessary if the project is approved. Chapter 8 of this SEIR includes a suggested Mitigation Monitoring Checklist form for City and Redevelopment Agency use in meeting CEQA mitigation monitoring requirements.

3. DESCRIPTION OF PROJECT

3.1 PROJECT SETTING

3.1.1 Regional Location

As illustrated in Figure 1, the proposed two redevelopment project areas to be merged, Project Area No. 1 and the Great Mall Project Area, are located in the central and southern areas of the City of Milpitas in northern Santa Clara County. Regional freeway and highway access to the two project areas and to the associated, merger-enabled new and renovated or replaced advertising sign locations is provided by Interstate 880 (I-880), Interstate 680 (I-680) and State Route 237-Calaveras Boulevard (SR 237).

3.1.2 Local Setting

Figure 1 shows the boundaries of the two Project Areas to be merged, which encompass the City's major commercial areas. Project Area No. 1 consists of approximately 2,230 acres located in the central portion of the City, including the original downtown area and the City's primary industrial area. The Great Mall Project Area consists of approximately 150 acres encompassing the Great Mall of the Bay Area shopping center complex, bounded by Great Mall Parkway, Montague Expressway, South Main Street, and the Union Pacific Railroad tracks.

Project Area No. 1 includes the City's core areas, including the recently reconstructed Milpitas Civic Center at Calaveras Boulevard and North Milpitas Boulevard and the City's central business district along Main Street. Portions of Project Area No. 1 also fall within the Milpitas Transit Area Specific Plan planning area, for which a new specific plan and EIR are currently being prepared. Project Area No. 1 is surrounded by an extensive mix of single-family and multi-family residential, commercial, research and development, industrial, distribution, institutional and transportation uses.

Similarly, the Great Mall Project Area is in an urbanized area surrounded by an existing mix of general commercial, industrial and residential uses. Since the opening of the Great Mall in September 1994, areas surrounding the Great Mall Project Area have been experiencing a land use transition from commercial and manufacturing to multi-family residential and commercial lodging.

3.1.3 Existing Redevelopment Project Areas to Be Merged

The proposed Merged Project Area will contain approximately 2,380 acres, which would comprise approximately 27 percent of the total acres located within the Milpitas City limits. The general location of the proposed new and renovated or replaced advertising signs is shown on Figure 2. The proposed three new signs would be constructed at locations A, B, and C on Figure 2. The existing signs proposed for renovation or replacement are at locations D and E on Figure 2.

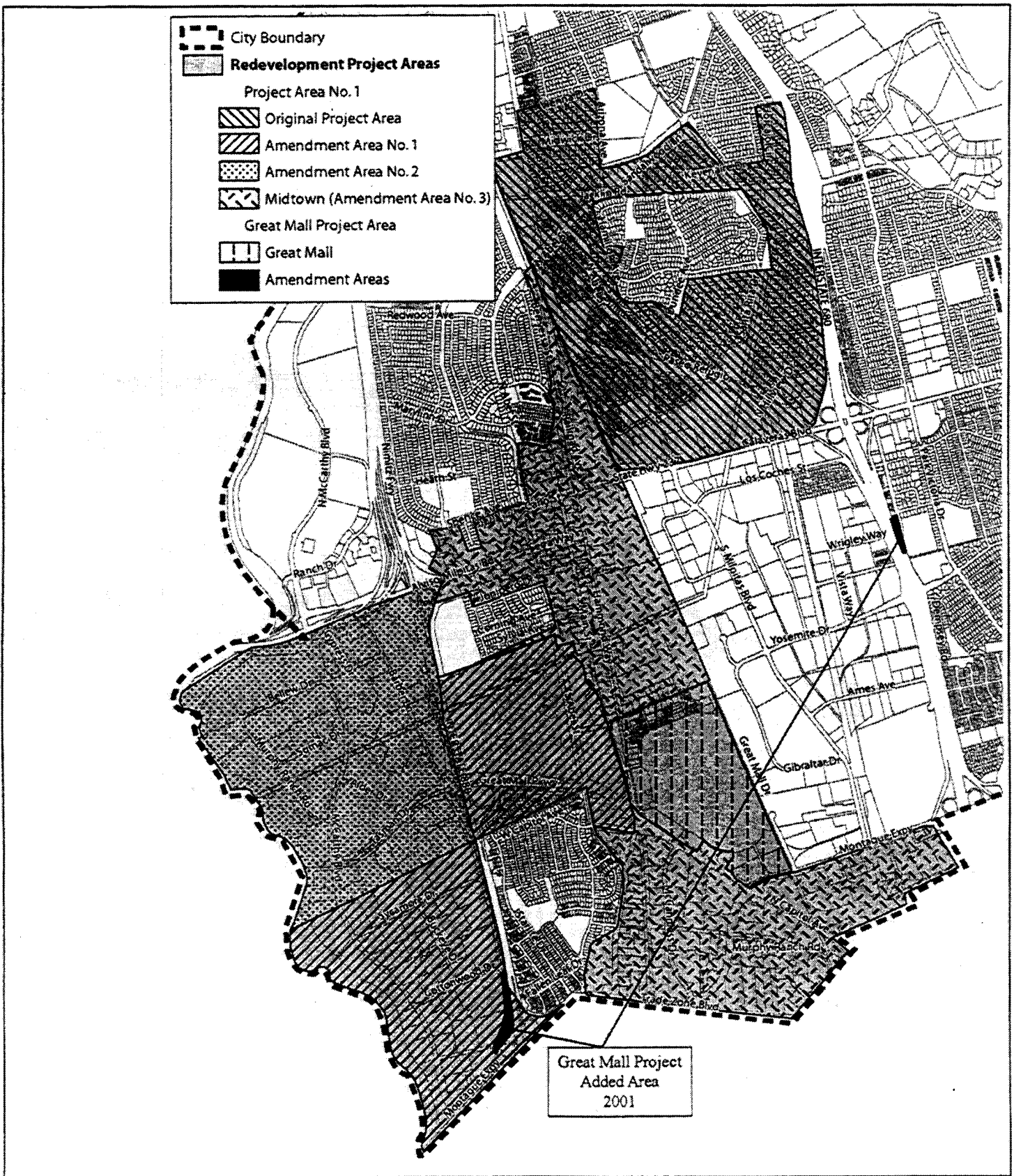


Figure 1

PROPOSED MERGED PROJECT AREA LOCATIONS

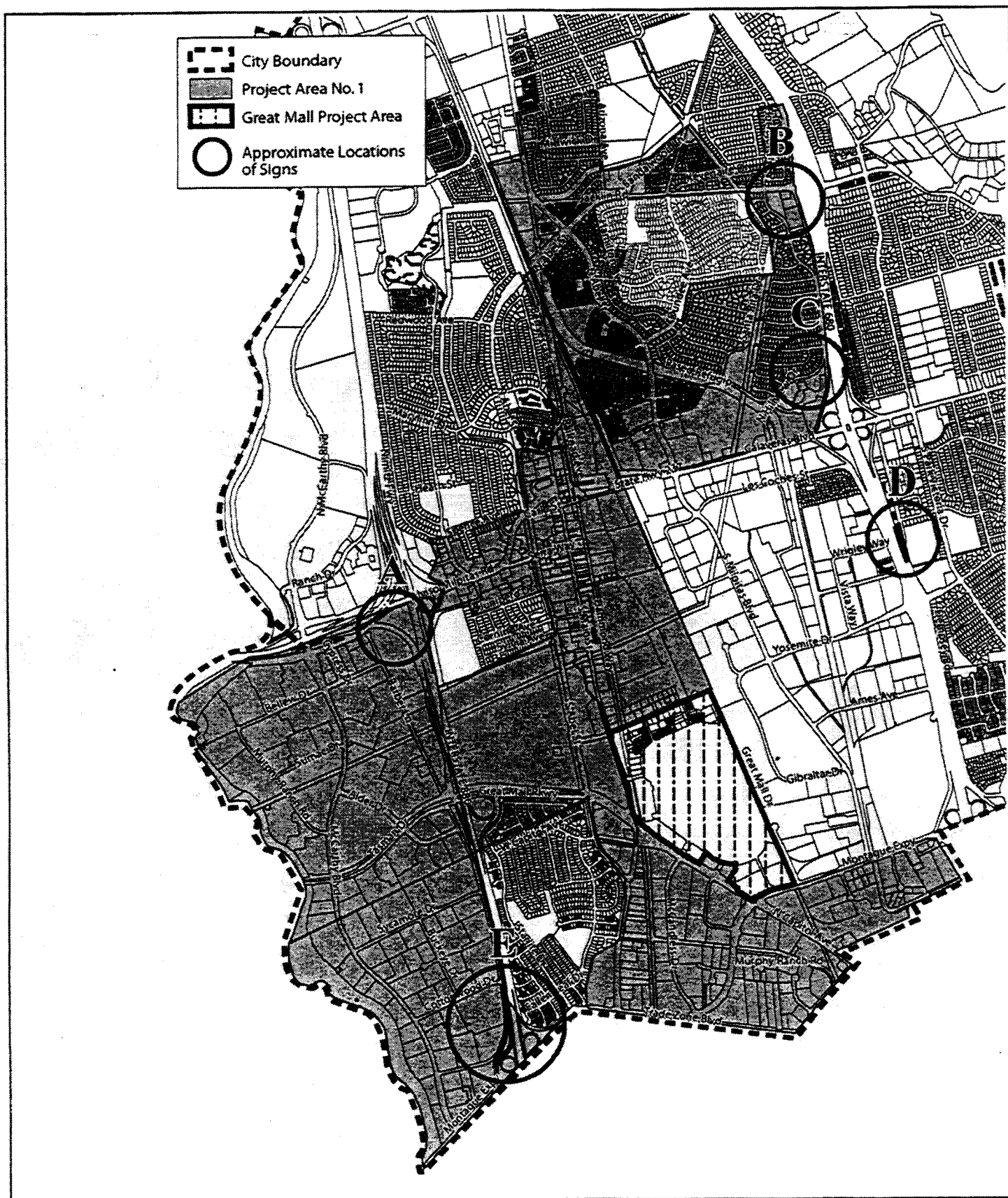


Figure 2

PROPOSED HIGHWAY SIGN LOCATIONS

The current Redevelopment Plans for the two Project Areas to be merged, and associated objectives of the proposed merger, are described below:

(a) Redevelopment Project Area No. 1. Redevelopment Project Area No. 1 ("Project No. 1") contains approximately 2,230 acres or 94 percent of the proposed Merged Project Area. The original Redevelopment Plan for Project No. 1 was adopted in September 1976. Since then, the Project No. 1 Redevelopment Plan has been amended nine times. The Redevelopment Plan for Project Area No. 1 was most recently amended in 2003 to increase the Project Area size, extend the plan time limits, and increase the Project Area debt limit. This allowed the Redevelopment Agency to issue a \$200 million tax allocation bond to finance its current redevelopment program for Project Area No. 1.

The adopted Project No. 1 Redevelopment Plan identifies various redevelopment goals and objectives for the Project Area No. 1, including:

- development of a safe, convenient and efficient transportation system serving the area, with special consideration for the circulation and parking needs of residential and business uses in the City's central business district;
- prevention of dispersal of employment opportunities and activities over a larger area and associated greater travel dependence and inconvenience;
- promotion of community utilities and public infrastructure development commensurate with City and regional needs;
- elimination of blighting influences including vacant and under-utilized land, deteriorated buildings, inadequate infrastructure, and other physical, economic, and environmental deficiencies;
- development of adequate civic, recreational, and cultural activity locations in the community;
- stimulation of commercial and industrial development and rehabilitation and creation of associated employment opportunities;
- rehabilitation and redevelopment of areas that are stagnant or improperly utilized;
- provision of opportunities for participation by owners in the revitalization of their properties;
- publicizing of the position and special advantages of Milpitas as a place to conduct compatible and viable industrial and commercial activity; and
- provision of a variety of residential types to serve varying local and regional housing needs.

(b) Great Mall Redevelopment Project. The Great Mall Redevelopment Project Area ("Great Mall Project Area") consists of 150 acres. The original Redevelopment Plan for the Great Mall Project Area was adopted in 1993. The Great Mall Redevelopment Plan has been amended

twice since then. The Plan was most recently amended in 2001 to add two non-contiguous parcels that would allow the continued use of freestanding highway advertising signs for the Great Mall Shopping Center. Tax increment is not collected from the Great Mall Project Area and the proposed merger would not change this status.

The identified purpose of the Great Mall Redevelopment Project has been to further the ongoing development and viability of the approximately 1,200,000 square foot Great Mall Shopping Center. Initially, the Agency assisted in the construction of necessary public infrastructure improvements to support this retail land use. Although the Agency does not receive tax increment revenue from the Great Mall Project Area, the City receives sales tax revenues from Great Mall retail activities. Under an Owner Participation Agreement with Ford Land Development, the original developer of the Great Mall, the City continues to share one-half of the sales tax revenues generated by sales at the Great Mall to reimburse Ford for the \$8.5 million in mall-facilitating public improvements that also benefit the City. After Ford sold the Great Mall to the Swerdlow Group in May 2000, the City issued the Great Mall of the Bay Area Sales Tax Revenue Bonds at a more favorable interest rate to reimburse the developer.

The adopted Great Mall Redevelopment Plan identifies various goals and objectives for the Great Mall Project Area, including:

- elimination of blighting influences and correction of environmental deficiencies (e.g., obsolete and aged building types, building vacancies, uneconomic land uses, inadequate and deteriorated public improvements and utilities);
- rehabilitation and development of stagnant or improperly utilized areas;
- provision of opportunities for owner participation in revitalization of their properties;
- strengthening of retail and other commercial functions in the Great Mall Project Area;
- strengthening of the economic base of the Great Mall Project Area and community as a whole by installation of improvements to stimulate new commercial expansion, employment and economic growth;
- provision of adequate open space and parking; and
- establishment and implementation of performance criteria to assure high site design standards, environmental quality, and design unity and integrity in the Great Mall Project Area.

3.2 PROJECT OBJECTIVES

3.2.1 General Objectives

The general objective of the proposed Project Area merger is intended to provide the Redevelopment Agency with the authority and fiscal ability to further its economic development and housing opportunity improvement objectives in and near the Merged Project Area. The merger would enable, among other redevelopment activities, the construction of up to three new advertising signs and the renovation or replacement of up to two existing advertising signs along the I-880 and I-680 highway corridors through Milpitas. The primary purpose of the proposed

merger is to facilitate and increase the economic viability of the Great Mall Shopping Center and other businesses in the Merged Project Area by, among other things, enabling installation of new advertising signs and renovation or replacement of existing advertising signs along the I-880 and I-680 freeway corridors through the City in order to increase public awareness and the economic viability of Merged Project Area businesses.

The proposed highway sign improvements are intended to prominently advertise private businesses and public/civic events within the Merged Project Area. Up to two of the signs are expected to include digital message boards. The remaining signs are expected to be fixed, monument type signs with no digital message boards. The signs would be designed to provide for increased advertising signage visibility, capacity, flexibility and marketing quality, and thereby increase awareness of Merged Project Area businesses and public/civic activities.

Section 33485 *et seq.* of the CRL allows for merger of redevelopment project areas as a matter of public policy if the merger will result in substantial benefit to the public, and will contribute to the revitalization of the Project Areas through the increased economic vitality of such areas and through increased and improved housing opportunities in or near such areas. The CRL also provides that redevelopment project areas, under the jurisdiction of a redevelopment agency, may be merged without regard to contiguity of the areas, by the amendment of each affected redevelopment plan.

Furthermore, taxes attributable to each project area merged that are allocated to the redevelopment agency may be allocated to the entire merged project area for the purpose of paying the principal of, and interest on, indebtedness incurred by the redevelopment agency to finance or refinance, in whole or in part, the merged redevelopment project. (It should be noted that the Milpitas Redevelopment Agency does not receive any tax increment funds from the Great Mall Project Area and the proposed Merger and Amendments do not provide for the Agency to do so.)

In addition, the California Outdoor Advertising Act ("Act") applies to the placement of advertising displays within 660 feet from the edge of the right-of-way when the advertising copy is visible from interstate highways or primary highways (Cal. Bus. & Prof. Code §5271). Under the Act, signs advertising businesses and activities developed within the boundary limits of a redevelopment project area may, with the consent of the redevelopment agency, be located anywhere within the limits of the project area when all of the land in the project area: (1) is contiguous, (2) is separated only by a public highway, or (3) includes land on which public facilities are developed. Under the Act, the signs may be in place for a period not to exceed 10 years or the termination of the redevelopment project, whichever occurs first, unless an arrangement has been made for extension of the period between the redevelopment agency and CalTrans for good cause (Cal. Bus. & Prof. Code 5273).

By merging the two projects, all territory within the Project No. 1 Area and the Great Mall Project Area, with the exception of one 0.89-acre area within the Great Mall Project Area, would be contiguous and therefore qualify under part (1) of the Act. The one exception--i.e., the 0.89-acre area within the Great Mall Project Area which is non-contiguous--would nevertheless qualify under part (2) of the Act, because it would be separated from the rest of the proposed Merged Project Area by a public highway (Interstate 680). With the proposed merger, businesses throughout the Merged Project Area would be able to advertise on the new and renovated or replaced signs along the freeway corridors within the Merged Project Area. Without the proposed merger, such advertising would be limited or prohibited by the Act.

The additional awareness and increased patronage of Merged Project Area businesses is expected to increase the economic viability of businesses throughout the Merged Project Area. By increasing the viability of the core of the City, it is expected that the desirability of the area would be enhanced, further increasing the viability of additional housing development, including affordable housing. (As of fiscal year 2005-06, the Agency has exceeded its inclusionary requirement for providing affordable housing in or outside the two involved project areas by nearly 32 percent.)

3.2.2 Merger Objectives for Project Area No. 1

The proposed merger is intended to enable construction of new advertising signs and renovation or replacement of existing advertising signs along I-880 and I-680 through Milpitas, thereby furthering the above goals for Project Area No. 1 by:

- providing improved highway advertisement opportunities for central business district businesses and other businesses and public/civic activities in Project Area No. 1; and thereby
- increasing the desirability of the Project Area No. 1 as a place to conduct business;
- increasing Project Area No. 1 development viability and attracting more business to Project Area No. 1;
- drawing attention to Project Area No. 1 business areas, and in particular, highway-dependent (region-serving) businesses in the area, that are not or are no longer prominently visible from highway corridors due to Milpitas development patterns;
- providing improved way-finding--i.e., improved direction and efficiency--for vehicular traffic traveling to Project Area No. 1 commercial locations;
- providing funding for sign construction/reconstruction and maintenance by private businesses, including collecting fees through the establishment of a signage improvement district for benefiting businesses; and
- attracting a greater variety of uses to Project Area No 1, including the downtown core, thereby increasing Project Area No. 1 desirability as a housing location, including affordable housing.

3.2.3 Merger Objectives for Great Mall Project Area

The proposed merger is intended to enable construction of new advertising signs and renovation or replacement of existing advertising signs along I-880 and I-680, thereby furthering the goals for the Great Mall Project Area by:

- strengthening existing commercial activity in and stimulating new commercial development in the Great Mall Project Area; and
- accommodating participation by the Great Mall owner and other businesses in the utilization and maintenance of the proposed new and renovated advertising signs.

3.3 PREVIOUS CEQA DOCUMENTATION

The overall, growth-inducing effects and associated environmental impacts of these two original Redevelopment Plans and subsequent amendments have been adequately addressed in the following three previous Redevelopment Agency-certified Environmental Impact Reports:

- Final Program EIR for the Adoption of the Redevelopment Plan for the Great Mall Project, State Clearinghouse No. 92063043, 1993;
- Final Program EIR for the Plan Amendment to Redevelopment Project Area No. 1, State Clearinghouse No. 9509357, 1996; and
- Final Program EIR for the Eighth Amendment to the Redevelopment Plan for Milpitas Redevelopment Project Area No. 1, State Clearinghouse No. 2002112043, 2003.

3.4 PROPOSED CHARACTERISTICS OF MERGER-ENABLED ADVERTISING SIGNS

It is proposed that at least two of the new and renovated or replaced signs would include electronic "reader board" components, while the remaining three would be fixed-copy monument signs. In addition, installation of up to 25 lower profile way-finding signs is anticipated within the public right-of-way (medians, etc.) of surface streets through the Merged Project Area, such as Montague Expressway and/or Calaveras Boulevard, directing traffic to businesses in the Merged Project Area (e.g., the Great Mall, auto dealerships, etc.).

The proposed new and renovated or replaced signs are proposed to be similar in size and layout to numerous existing reader board and monument signs located along the Alameda and Santa Clara County stretches of I-880 and I-680 and along the San Francisco, San Mateo, and Santa Clara County stretches of U.S. 101.

The proposed electronic reader board components of the advertising signs would display rotating electronic (digital) "spots," typically approximately 8 seconds in duration, in 24-hour rotation, visible on two sides. At this preliminary point, top-of-sign maximum heights of up to 60 to 70 feet (four to five "stories") are anticipated for both the reader-board and monument type signs.

3.5 ANTICIPATED PROJECT SCHEDULING

The proposed redevelopment project area merger amendments would authorize the Redevelopment Agency to continue to undertake redevelopment activities within the Merged Project Area. The Redevelopment Agency has formulated a Five-Year Implementation Plan (July 2005 to June 2010) for the proposed Merged Project Area which includes allocation of Agency revenues to various economic stimulation, commercial facilities improvement, transportation and public facilities improvements, and housing improvements through 2010, and indicates that the exact future allocation for Agency revenues beyond 2010 for these various activities cannot be determined. The environmental impacts of these activities, with the exception of the newly-proposed new advertising sign construction and existing advertising sign

renovation and/or replacement activities, have been adequately addressed in the previous CEQA documents described in section 1.2 herein. The new advertising sign construction and existing sign renovation and/or replacement construction activities are expected to be completed within the next five years.

3.6 REQUIRED PROJECT APPROVALS

3.6.1 Required Local Approvals

The proposed merger amendments would require joint approval by the City of Milpitas City Council and the Redevelopment Agency of the City of Milpitas. Section 33354.6(a) of the CRL requires that when an agency proposes to amend a redevelopment project that utilizes tax increment to: (a) add territory to a project area; (b) increase either the limitation on the number of dollars (tax increment limit) to be allocated to the redevelopment agency or the time limit on establishing loans, advances, and indebtedness (debt establishment); (c) lengthen the period during which the Plan is effective (plan effectiveness); (d) ***merge projects***; or (e) add significant additional capital improvement projects; the agency shall follow the same procedures it would for the adoption of a redevelopment plan.

3.6.2 Other Required Public Agency Approvals

Review by the California Department of Transportation (Caltrans) may be required for the proposed highway signs. No other public agency approvals are expected.

4. AESTHETICS (VISUAL FACTORS)

This SEIR chapter describes the potential visual impacts of the proposed merger-enabled new advertising sign construction and existing advertising sign renovation or replacement locations, including the potential visual impacts of the signs on views from approaching freeway segments, on views from the adjacent residential and commercial areas, and on the overall character and image of the community.

The consistency of the proposed new and renovated or replaced advertising signs and their visual impacts with pertinent adopted Milpitas General Plan and state (Caltrans) visual policies and guidelines is also addressed.

4.1 SETTING

4.1.1 Existing Roadside Landscape

The visual landscape surrounding the various proposed new and renovated or replaced advertising signs is typical of the extensive, highly urbanized San Francisco east bay plain. The east bay plain consists of a nearly continuous, largely unbroken urban landscape along the valley floor between Richmond and San Jose, contained in the Milpitas vicinity by San Francisco Bay to the west and the Diablo Valley Range mountain backdrop to the east. The Milpitas General Plan refers to this generally flat landscape unit as the city's "Valley Floor" subarea. The hillside area along the west edge of the City, including the Los Buellis Hills portion of the Diablo Valley Range, is referred to in the Milpitas General Plan as the city's "Hillside" subarea. The Hillside subarea provides a scenic, generally undeveloped, mountainous backdrop to the Valley Floor.

In the vicinity of the various subject freeway advertising sign locations, the Valley Floor subarea is comprised of a highly developed, generally uniform urban landscape, with building heights rarely exceeding 35 feet.

The visual character of the I-880 freeway corridor approaching and traversing Milpitas can be generally described as a typical freeway landscape through a south bay urbanized area, with principal visual features limited to roadside landscaping, sound barriers, grade-separation embankments, overpass structures, freeway directional signage, and a limited number of large existing advertising signs adjacent to the freeway. Views of adjacent urbanization are confined to commercial (McCarthy Ranch Marketplace) and occasional industrial and business park frontages; all residential frontages are constrained behind noise walls. Existing advertising signs approaching the Milpitas segment of I-880 include the Fremont Auto Mall monument sign (approximately 60 feet high) and the McCarthy Ranch Marketplace monument sign (approximately 40 feet high).

The low-lying suburban landscape beyond the freeway edge is generally concealed from view by the foreground elements described above. The Diablo Range mountain backdrop provides a distinctive and scenic background landscape feature.

Numerous monument and electronic message board type advertising signs, ranging in height from approximately 40 to 70 feet, are located along the I-880 freeway corridor between Oakland and San Jose.

The visual character of the I-680 freeway corridor approaching and traversing Milpitas can be generally described as less extensively urbanized and more scenic, attributable to variations in elevations due to the freeway location at the foot of the Los Buellis Hills of the Diablo Valley Range, the topographic decline from the freeway edge towards the Bay, and occasional open panoramic views to the west of expansive urban, bay and, in the distance, coastal hill landscapes. The immediate freeway edge along the I-680 segment traversing Milpitas is visually characterized by a combination of adjacent roadside vegetation, grade increases to pass over primary local arterials (Jacklin Road and Calaveras Boulevard), grade decreases and embankments to pass under other primary local arterials (Montague Expressway/Landers Road), freeway directional signage, and noise walls at residential frontages. The visual experience along the Milpitas segment of I-680 is enhanced by focal views to the north and background views of the west of the open, rolling grassland topography of the Los Buellis Hills. There are no existing monument or electronic message board type advertising signs along this segment of I-680 approaching and traversing Milpitas.

4.1.2 Other Community Vantage Points

There are a number of community vantage points to the east of I-680 which provide panoramic overviews of the extensive urban and bay landscape to the west, including viewpoints along the westbound Calaveras Road and Old Calaveras Road approaches descending from the hills towards Evans Road, the northbound Piedmont Road entrance to the city's southern boundary, and within pocket hillside residential areas located on the west slopes of the hills above I-680, including westbound Quince Drive and Country Club Drive. The I-680 and I-880 freeways are visible in the intermediate foreground and distant background, respectively, as a part of the overall extensive urban landscape.

4.1.3 Adjacent Vantage Point

As illustrated by Figure 2 in chapter 3 herein, the proposed three merger-enabled new highway advertising sign locations (A, B, and C on Figure 2) and two existing highway advertising sign renovation or replacement locations (D and E on Figure 2) are each adjacent to existing urban uses. The proposed new sign location along the southbound I-680 approach to the Jacklin Road interchange (location B on Figure 2) is near existing single-family residential properties along or off North Hillview Drive. The proposed new sign location along the southbound I-680 approach to Calaveras Boulevard-SR 237 (location C on Figure 2) is also adjacent to or near single-family residential properties along North Hillview Drive, as well as single-family residential properties along Hillview Court (next to the Embassy Suites Hotel). The proposed new sign location near the I-880/Calaveras Boulevard-Alviso Milpitas Road-SR 237 interchange (location A on Figure 2) is adjacent to or near three multi-story commercial lodging uses, including the Hilton Garden Inn, the Holiday Inn, Staybridge Suites and the Hilton Garden Inn Hotel.

The proposed merger-enabled existing advertising sign renovation or replacement location along northbound I-680 immediately north of Yosemite Drive (location D on Figure 2) is located adjacent and near to single-family and multi-family residential properties along Dempsey Road and the Edsel Drive approach to Dempsey Road. The proposed merger-enabled existing advertising sign renovation or replacement location along the southbound I-880 approach to the Montague Expressway interchange (location E on Figure 2) is adjacent to two multi-story commercial lodging uses, the Sheraton Silicon Valley East Hotel and the Embassy Suites Hotel.

4.1.4 Pertinent Local and State Policies and Guidelines

(a) City of Milpitas. Section 4.7 of the Milpitas General Plan, *Scenic Resources and Routes*, identifies city-identified visual concerns and associated policies pertaining to community scenic resources and scenic routes. Figure 3 illustrates the various general plan-identified visual resources and scenic routes.

Designated Scenic Corridors and Connectors. As illustrated on Figure 3, the Milpitas General Plan identifies a network of designated "Scenic Corridors" and "Scenic Connectors" within and through the city. The Scenic Corridors "are located along designated streets that pass through an area of scenic value"; areas within a 400-foot-wide corridor along the route are subject to special development controls for the purpose of retaining and enhancing nearby views or maintaining unobstructed distant views. These designated "Scenic Corridor" segments include Piedmont Road between the southern city limits and Evans Road, and Calaveras Road descending from the western hills towards Evans Road. There are no "Scenic Corridor" designations at the proposed merger-enabled new advertising sign construction or existing advertising sign renovation or replacement locations--i.e., along the Milpitas segments of I-880 and I-680, or along the Calaveras Boulevard or Montague Expressway arterial routes.

The General Plan "Scenic Connectors" designations are located along streets connecting or providing access to the Scenic Corridors or providing distant views. General Plan-designated "Scenic Connectors" include the Milpitas segments of I-880 and I-680. The General Plan states that "Scenic Connectors may not necessarily traverse an area of scenic value, and the abutting land is not subject to the Scenic Corridor land use controls"; however, special roadside design treatment (landscaping, utility undergrounding, etc.) is called for to provide "visual continuity."

Major Visual Gateways. As illustrated on Figure 3, the Milpitas General Plan also identifies a number of community entry points as "Major Visual Gateways." None of these "gateway" designations are near a proposed merger-enabled new advertising sign construction location or existing advertising sign renovation or replacement location.

Pertinent General Plan Policies. Adopted Milpitas General Plan policies related to scenic resources and routes, including Scenic Corridors and Scenic Connectors, have been reviewed as part of this SEIR analysis; none appear to apply to consideration of the proposed new or renovated/replaced advertising signs; however, the following general plan policy pertaining to general community aesthetics is relevant:

- *Preserve and enhance the natural beauty of the Milpitas area.* (Guiding Principle 4.g-G-1)

Scenic Resources and Routes
Figure 4-6



Figure 3

MILPITAS GENERAL PLAN DESIGNATED SCENIC RESOURCES, ROUTES AND GATEWAYS

(b) State of California (Caltrans). Review by the California Department of Transportation (Caltrans) may be required for the proposed highway signs. No other public agency approvals are expected.

4.2 IMPACT AND MITIGATION FINDINGS

4.2.1 Significance Criteria

Based on the significance criteria established in Appendix G of the latest (2006) CEQA Guidelines, the proposed project and project-enabled signage construction and renovation/replacement would be considered to have a significant adverse visual (aesthetic) impact if they would:

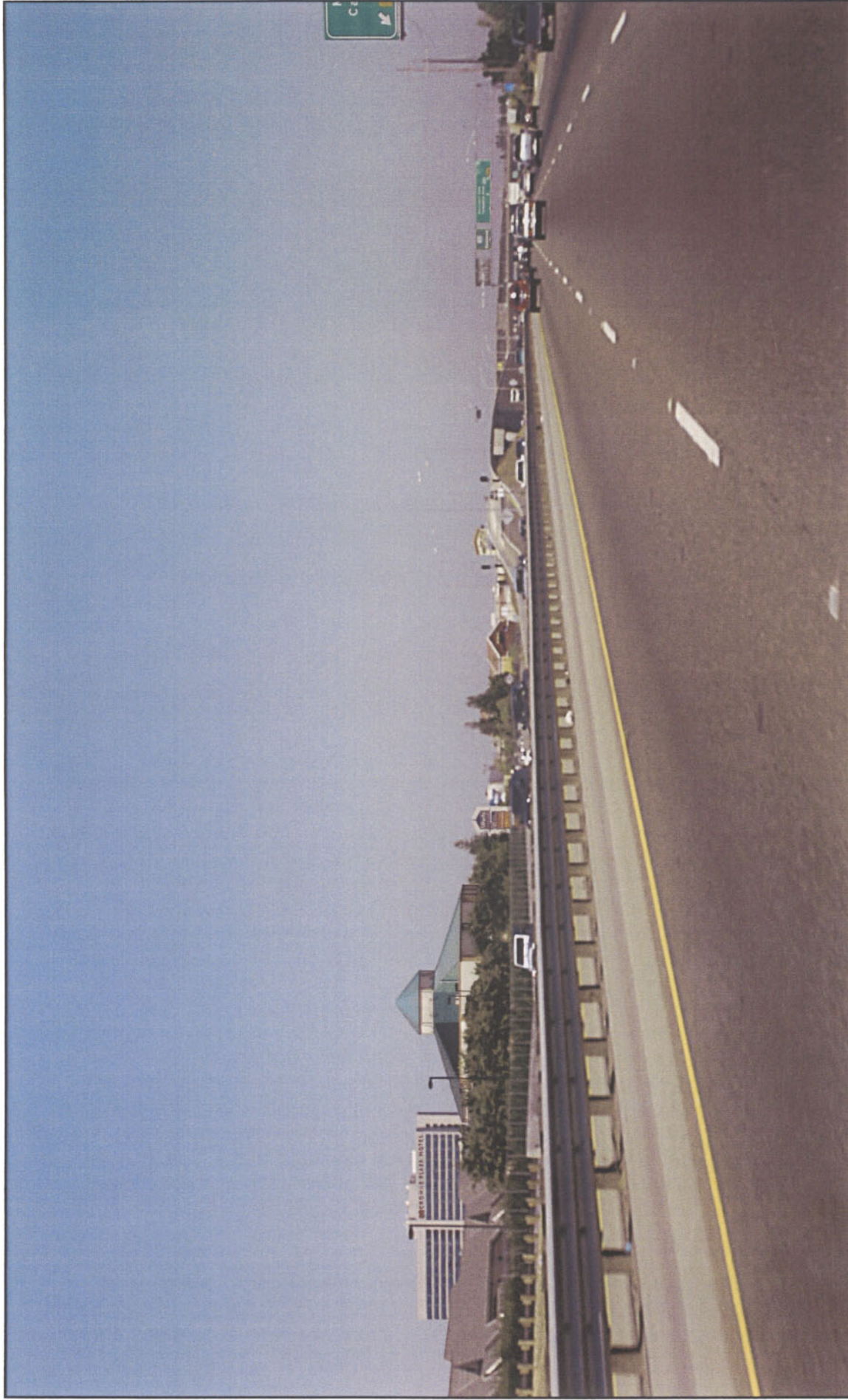
- (a) Have a substantial adverse effect on a scenic vista;
- (b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- (c) Substantially degrade the existing visual character or quality of the site and its surroundings; or
- (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.2.2 Visual Simulations

To assist in considering the visual impacts of the proposed merger-enabled highway advertising signs, computer-generated photomontage "before" and "after" visual simulations have been prepared for two selected vantage points considered most illustrative of potential visual impacts. The simulations have been independently prepared for this SEIR by Environmental Vision, a visual simulation computer consultant retained by the SEIR authors. The two selected simulation vantage points are the northbound I-880 approach to sign location A near the Calaveras Boulevard/Alviso-Milpitas Road/SR 237 interchange and northbound I-680 approach to sign location B near Jacklin Road (see Figure 2 in chapter 3 herein). These vantage points were selected in consultation with Milpitas Planning and Neighborhood Services Department staff as highly representative of the new sign visibility and visual impacts.

The before-and-after-simulations are shown on Figures 4 through 7. The simulation assumptions have been based upon the preliminary signage design characteristics currently envisioned by the Redevelopment Agency, on associated signage design information provided by potential advertising sign suppliers, and on existing Bay Area electronic reader board advertising signs cited by the Redevelopment Agency as most indicative of the type, height, and general design character of the new signs envisioned by the Agency (e.g., the new Ikea advertising sign along the southbound U.S. 101 freeway approach to University Avenue in East Palo Alto).

Based on comparable existing advertising signage elsewhere in the Bay Area and general specifications from potential sign providers, the simulations depict a maximum top-of-sign height of 65 feet, and a maximum sign area of 20 by 60 feet. The actual new sign dimensions are not



SOURCE: Environmental Vision

Figure 4

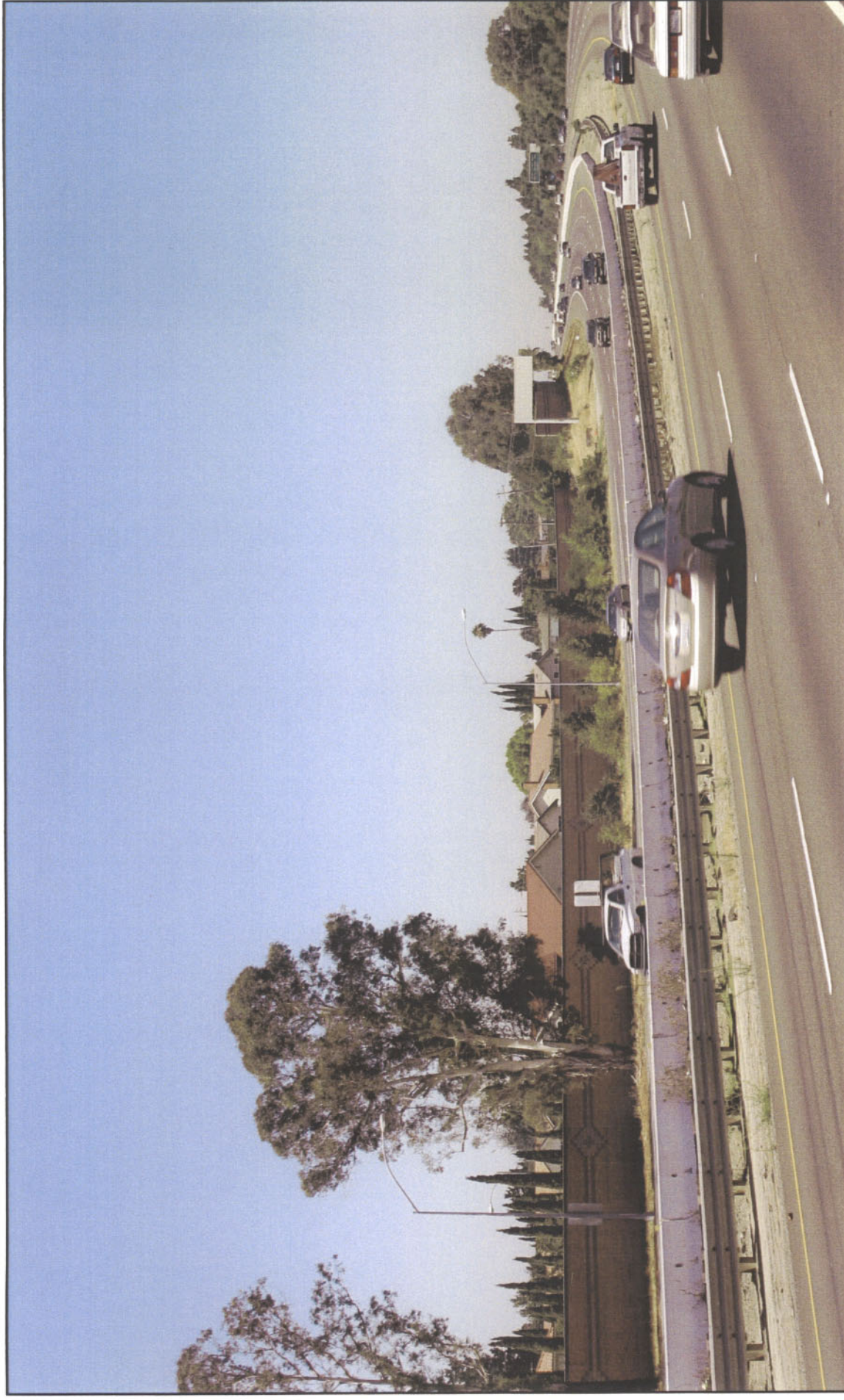
VIEW FROM NORTHBOUND I-880 APPROACHING CALAVERAS BLVD. (SR 237) WITHOUT SIGN



SOURCE: Environmental Vision

Figure 5

VIEW FROM NORTHBOUND I-880 APPROACHING CALAVERAS BLVD. (SR 237) WITH SIGN



SOURCE: Environmental Vision

Figure 6

VIEW FROM NORTHBOUND I-680 NORTH OF JACKLIN ROAD WITHOUT SIGN



SOURCE: Environmental Vision

Figure 7

VIEW FROM NORTHBOUND I-680 NORTH OF JACKLIN ROAD WITH SIGN

expected to exceed these dimensions. The simulated sign/electronic message board structure is intended to be similar in height and general design character to the existing Ikea sign along U.S. 101 in East Palo Alto.

4.2.3 Impacts and Mitigations

Impact 4-1: Potential Adverse Impact of Advertising Signs on Community Character and Image. Current development and vegetation along the I-880 and I-680 freeway segments approaching and traversing Milpitas form the visual perception from the freeway of a base, generally flat visual plane approximately 30 to 40 feet in average height that merges with the horizon. Visible exceptions near the I-880 freeway corridor include the twelve-story Crowne Plaza Hotel (maximum building height: approximately 145 feet) on Bellew Drive, the six-story Hilton Garden Inn Hotel (maximum height: approximately 75 feet) on Ranch Drive, and the five-story Staybridge Suites Hotel (maximum height: approximately 60 feet) on Cypress Drive, all the southwest quadrant of the I-880/Calaveras Boulevard interchange; the nine-story Sheraton San Jose Hotel (maximum building height: approximately 110 feet) on Barber Lane at the northwest quadrant of the I-880/Montague Expressway interchange; and the nine-story Embassy Suites Hotel (maximum building height: approximately 110 feet) on Calaveras Boulevard near the northwest quadrant of the I-680/Calaveras Boulevard interchange.

By design, the new and renovated or replaced advertising signs would be highly prominent in the freeway view. When viewed from most freeway vantage points, the signs would extend significantly above the existing urban plane and would be seen against the open sky, attracting the focus of freeway drivers in the sign vicinity. The height and form of the proposed advertising signs could be perceived by many viewers as visually incongruous elements, having a substantially negative effect on the freeway driving experience. The internal illumination and, especially, the nighttime illumination aspects of the proposed electronic message board components of the advertising signs would exacerbate this perceived effect.

This combination of adverse visual effects would represent a **significant adverse visual impact** [see criteria [c] and [d] in subsection 4.2.1, "Significance Criteria," above].

Mitigation 4-1. Require City architectural design review approval for each of the new and renovated or replaced advertising sign designs. Formulate sign design criteria and sign designs which, to the satisfaction of the City's elected and appointed design review decision-makers, as determined through the City's architectural review process, will minimize the adverse visual (community image) impact of the signs. Effective means to reduce adverse visual impacts could include some combination of the following:

- reduction in top-of-sign height,
- reduction in sign area,
- reduction in electronic message board size,
- elimination of electronic message board components, and/or
- reduction in the mass of the sign support structure, perhaps through use of an open frame rather than solid structure.

Implementation of such measures would serve to reduce the visual prominence and associated adverse visual impacts of the signs, but not assuredly to less-than-significant levels; therefore, this potential adverse visual effect has been determined to represent a **significant unavoidable impact** (i.e., would require City/Redevelopment Agency adoption of a Statement of Overriding Considerations).

Also, in addition to reducing the adverse aesthetic impacts of the signs, such measures could reduce sign effectiveness in meeting the project objectives--i.e., attracting attention to and promoting Merged Project Area businesses.

Impact 4-2: Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses. The precise location of the proposed new freeway advertising signs has not yet been specified. If directly visible from adjacent or nearby visually-sensitive vantage points, including existing residential properties and hotel suites, the height, scale and form of the proposed new advertising signs proposed for location adjacent to the southbound I-680 approaches to Jacklin Road and Calaveras Boulevard and southbound I-880 approach to Calaveras Boulevard/Alviso-Milpitas Road/SR 237 could be perceived as visually outsized and obtrusive, with substantially adverse effects on the quality of these views. This effect could also be substantially exacerbated by the proposed internal illumination and, especially, nighttime illumination aspects of the proposed electronic message board components.

This combination of adverse visual effects would represent a ***significant adverse visual impact*** [see criteria (a), (c) and (d) under section 4.2.1, "Significance Criteria," above].

Mitigation 4-2. Require City architectural design review approval for each new and renovated or replaced advertising sign. To the extent possible, locate and orient the monument and, especially, the electronic message board signs, in a manner which avoids or minimizes their direct exposure to views from adjacent or nearby residential and hotel suite uses. In addition, aim, focus and shield any detached or attached spot or flood light sources sufficiently to prevent glare or overcast of illumination into adjacent or nearby residential or hotel suite vantage points. Location and orientation of the sign areas to avoid direct exposure to views from adjacent or nearby residential and hotel suite views would reduce this potential visual impact to less than significant levels, but may be impractical, given the advertising objectives of the signs. Therefore, mitigation of this potential adverse visual effect cannot be assured, and the potential effect has been determined to represent a ***significant unavoidable impact*** (i.e., would require City/Redevelopment Agency adoption of a Statement of Overriding Considerations).

Impact 4-3: Potential Light and Glare Impacts. By design, the proposed monument and electronic message board advertising signs would be illuminated sufficiently to achieve visual prominence within the adjacent freeway corridor. Each advertising sign surface (northbound and southbound) is expected to be illuminated by a cluster of light fixtures aimed at the sign surface area. If these fixtures are not aimed properly, they may produce direct glare toward nearby residential and other surrounding uses. High-intensity, upward directed light fixtures and associated "stray light," as well as light from the internally illuminated electronic message board elements, could be visible from surrounding vantage points and could adversely affect nighttime viewing of the sky from nearby vantage points, especially if there is a high level of moisture in the air. Worst-case "stray light" impacts would be expected to occur during periods of dense fog when the sky area above the signs would be most noticeably illuminated by the stray light.

The degree of "stray light" effects associated with the proposed new and renovated or replaced advertising signs would depend on the type and design of the lighting. Light fixture internal lense applications ("optics") and visor applications are commonly used by lighting designers to ensure that such external fixtures are properly aimed and their illumination area properly contained to only illuminate the sign area, with sharp cut-off at the sign area perimeter. Such applications (optics and visors) can also be adjustable, permitting post-installation adjustments by the lighting contractor to assure accurate illumination aiming and containment, with minimal glare impact to surroundings.

Under the existing highly urbanized conditions along the I-880 freeway corridor, nighttime sky viewing is already significantly compromised by the existing myriad of stationary and mobile light sources, and this effect would therefore be *less-than-significant*. However, existing ambient nighttime illumination conditions along the I-680 corridor are not as intensive, and such adverse stray light/glare impacts on nighttime viewing of the sky from adjacent residential areas east of I-680 could be more highly noticeable, representing a **significant impact** [see criterion (d) under subsection 4.2.1, "Significance Criteria," above].

Mitigation 4-3. Require City architectural design review approval for sign lighting designs along I-680. Formulate external and internal illumination designs which, to the satisfaction of the City's elected officials and appointed design review decision makers, incorporate adjustable illumination optics and other devices, including visors, which will effectively aim, focus and shield the light source and thereby prevent substantial "spill" light reflection upwards, above the sign.

Implementation of this measure would reduce this impact to a ***less-than-significant level***.

Light fixture internal lense applications ("optics") and visor applications are commonly used by lighting designers to ensure that such light fixtures are properly aimed and their illumination area properly contained to only illuminate the sign area, with sharp cut-off at the sign area perimeter. Such applications (optics and visors) can also be adjustable, permitting post-installation adjustments by the lighting contractor to assure accurate illumination aiming and containment, with minimal glare impact to surroundings. An example of such a "total light" control provider is included in appendix 11.3 of this EIR (Supplemental Lighting Information).

5. LAND USE AND PLANNING

This EIR chapter describes the potential impacts of the project on existing land use characteristics and mitigation measures warranted to address any identified significant adverse land use impacts. Section 15125(d) of the CEQA Guidelines also requires EIRs to "...discuss any inconsistencies between the proposed project and applicable general plans and regional plans." The objective of such a discussion is to find ways to modify the project if warranted to reduce any identified inconsistencies with these plans. Pursuant to this CEQA section, this chapter includes an evaluation of the consistency of the proposed merger amendments and merger-enabled advertising signs with pertinent goal and policies of Milpitas (the Milpitas General Plan) and Caltrans.

5.1 SETTING

5.1.1 City of Milpitas General Plan

By law, all activities undertaken by a redevelopment agency, including all development activities facilitated by a redevelopment plan amendment, must be consistent with the goals and policies of the community's general plan. The Redevelopment Plan for Project Area No. 1 was originally adopted in 1976 and has been amended several times since then, most recently in 2003. The Redevelopment Plan for the Great Mall Project Area was originally adopted in 1993 and has been amended twice since then, most recently in 2001. The proposed merger is intended to continue and improve Redevelopment Agency abilities to implement economic development and housing opportunity improvement objectives established in these two previously-adopted Redevelopment Plans.

The growth-inducing (urban intensification) effects of the two original Redevelopment Plans for Project Area No. 1 and the Great Mall Project Area, and subsequent amendments, have been and will continue to be dictated by the City of Milpitas General Plan and associated zoning controls. The overall, growth-inducing effects and associated environmental impacts of these two original Redevelopment Plans and subsequent amendments have been adequately addressed in the following three previous Redevelopment Agency-certified Environmental Impact Reports:

- Final Program EIR for the Adoption of the Redevelopment Plan for the Great Mall Project, State Clearinghouse No. 92063043, 1993;
- Final Program EIR for the Plan Amendment to Redevelopment Project Area No. 1, State Clearinghouse No. 9509357, 1996; and
- Final Program EIR for the Eighth Amendment to the Redevelopment Plan for Milpitas Redevelopment Project Area No. 1, State Clearinghouse No. 2002112043, 2003.

The overall growth-inducing effects of the currently-proposed merger amendments and merger-enabled sign improvements will, by law, continue to be dictated by the same General Plan and

zoning controls, and will therefore fall within the growth scenarios addressed in the previous CEQA documents listed above. No change in General Plan designations or policies is proposed. The scope of this SEIR has been limited to evaluation of the added impacts of new actions facilitated by the merger, especially the potential impacts of merger-enabled highway sign construction and renovation. The land use designations, goals, policies, and guidelines set forth in the City of Milpitas General Plan have been expressly incorporated into the previously-adopted Redevelopment Plan for Project Area No. 1 and the Great Mall Project Area, and in the currently proposed merger amendments, and continue to govern all development actions set forth in or facilitated by the proposed redevelopment plan merger amendments.

5.1.2 Existing Land Use

(a) Project Area No. 1. Project Area No. 1 includes the City's core areas, including the recently reconstructed Milpitas Civic Center at Calaveras Boulevard and North Milpitas Boulevard and the City's central business district along Main Street. Portions of Project Area No. 1 also fall within the Milpitas Transit Area Specific Plan planning area, for which a new specific plan and EIR are currently being prepared. Project Area No. 1 is surrounded by an extensive mix of single-family and multi-family residential, commercial, research and development, industrial, distribution, institutional and transportation uses.

(b) Great Mall Project Area. Similarly, the Great Mall Project Area is in an urbanized area surrounded by an existing mix of general commercial, industrial and residential uses. Since the opening of the Great Mall in September 1994, areas surrounding the Great Mall Project Area have been experiencing a land use transition from commercial and manufacturing to multi-family residential and commercial lodging.

(c) Vicinity of Proposed Advertising Signs. As illustrated by Figure 2 in chapter 3 herein, the proposed three merger-enabled new highway advertising sign locations (A, B, and C) and two existing highway advertising sign renovation or replacement locations (D and E) are each adjacent to existing urban uses. The proposed new sign location along I-680 near the Jacklin Road interchange (location B on Figure 2) is near existing single-family residential properties along and off North Hillview Drive. The proposed new sign location along I-680 near the Calaveras Boulevard-SR 237 interchange (location C on Figure 2) is also adjacent to or near single-family residential properties along and off North Hillview Drive, as well as a residential hotel property along Hillview Court (next to the Embassy Suites Hotel). The proposed new sign location at the I-880/ Calaveras Boulevard-Alviso Milpitas Road-SR 237 interchange (location A on Figure 2) is adjacent to or near three multi-story commercial lodging uses, including the Crowne Plaza, Staybridge Suites and the Hilton Garden Inn Hotel.

The proposed merger-enabled existing advertising sign renovation or replacement location along I-680 immediately north of Yosemite Drive (location D on Figure 2) is located adjacent and near to single-family residential properties along Dempsey Road and the Edsel Drive approach to Dempsey Road. The proposed merger-enabled existing advertising sign renovation or replacement location along I-880 near the Montague Expressway interchange (location E on Figure 2) is adjacent to two multi-story commercial lodging uses, the Sheraton Silicon Valley East Hotel and the Beverly Heritage Hotel.

5.2 PERTINENT PLANS AND POLICIES

5.2.1 City of Milpitas General Plan

By law, all activities undertaken by a redevelopment agency, including all development activities facilitated by a redevelopment plan or redevelopment plan amendment, must be consistent with the goals and policies of the community's general plan. The following adopted goals and policies from the City's adopted City of Milpitas General Plan are particularly pertinent to consideration of the proposed redevelopment plan merger amendments, merger-enabled advertising signs, and their potential environmental impacts:

Guiding Land Use Principles

- *Maintain a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center. (Principle 2.a-G-1, p. 2-19)*

Economic Development Policies

- *Establish redevelopment projects to secure funds that can be used to attract commercial, industrial, and residential development in order to eliminate blight and improve an area. (Policy 2.a-I-8, p. 2-20)*

Community Identity Policies

- *Preserve and maintain the historical landmarks of Milpitas and its physical setting so the residents will recognize they are a part of a distinctive and dynamic community. (Policy 2.a-I-9, p. 2-21)*
- *Foster community pride and growth through beautification of existing and future development. (Policy 2.a-I-10, p. 2-21)*

5.3 IMPACT AND MITIGATION FINDINGS

5.3.1 Significance Criteria

Based on Appendix G of the CEQA Guidelines,¹ the proposed redevelopment plan merger amendments and associated merger-enabled advertising sign construction, renovation or replacement would be considered to have a significant adverse land use impact if they would:

- (a) Disrupt or divide the physical arrangement of the community;
- (b) Be incompatible with existing land use in the vicinity; or
- (c) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (i.e., the City of Milpitas General Plan and Caltrans regulations or guidelines) adopted for the purpose of avoiding or mitigating an environmental effect.

¹CEQA Guidelines, Appendix G, Items a, b, k, u, v, w, and y; and Appendix i, Items i(c) and II(b).

5.3.2 Impact and Mitigation Findings

General Land Use Impacts. The redevelopment plan merger amendments are expected to facilitate an increased rate of economic development and housing opportunity improvement in the Merged Project Area. As explained in subsection 5.1.1 above, new or accelerated development encouraged or facilitated by the proposed redevelopment plan merger amendments would be controlled by existing and future General Plan land use policies. As a result, redevelopment-facilitated future development within Merged Project Area would occur primarily as infill, with no significant change in established community-wide or central area land use patterns.

Mitigation for General Land Use Impacts. No significant adverse impact has been identified; no mitigation is required.

Impact 5-1: Potential Adverse Land Use Compatibility Impacts. The proposed merger-enabled new advertising signs and renovated or replaced existing advertising signs may result in perceived height and scale incongruities and light and glare impacts that would be incompatible with existing residential and commercial lodging (hotel) land uses in the sign vicinities. These potential incompatibility effects, which are further described in this SEIR under Impacts 4-1 (Potential Adverse Impact of Advertising Signs on Community Character), 4-2 (Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses) and 4-3 (Potential Light and Glare Impacts), would be inconsistent with the City's adopted General Plan guiding land use principle to maintain "a highly amenable community environment" (Principle 2.9-G-1) and General Plan community identity policies to "preserve and maintain" the City's "physical setting" (Policy 2.a-I-9) and "foster community pride...through beautification of existing and future development" (Policy 2.a-I-10) and, therefore, represent a **significant adverse land use compatibility impact** [see criteria (b) and (c) under subsection 5.3.1, "Significance Criteria," above].

Mitigation 5-1: Implement Mitigations 4-1, 4-2 and 4-3. As indicated under the Mitigation 4-3 statement in chapter 4 (Aesthetics) herein, implementation of this measure would reduce potential project light and glare impacts to a less-than-significant level. As indicated under the Mitigation 4-1 and 4-2 statements in chapter 4, herein, implementation of these two measures would serve to reduce the potential impacts of the merger-enabled advertising signs on community character and the potential visual intrusion impacts of the signs on nearby residential and hotel uses, but mitigation of these two impacts to less than significant levels would not be assured. Therefore, this associated land use compatibility effect would represent a **significant unavoidable impact** (requiring a Statement of Overriding Considerations).

6. NOISE

This SEIR chapter describes the potential noise impacts of the proposed redevelopment project area merger and associated temporary construction period and long-term operational (electronic message board) aspects of the merger-enabled advertising signs. Mitigation measures are recommended for identified potentially significant noise impacts.

6.1 SETTING

6.1.1 Fundamentals of Acoustics

(a) Noise Quantification in General. Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. Several noise measurement scales are typically used to describe noise. A *decibel (dB)* is a unit of measurement that indicates the relative amplitude of a sound. Zero on the decibel scale represents the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness. Decibels and other technical terms for describing noise are further defined in Table 6.1.

There are several methods of measuring and describing sound levels. One of the most common is the *A-weighted sound level or dBA method*. This method gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be used. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

(b) Noise Quantification in Milpitas. To account for human sensitivity to nighttime noise, the DNL (or L_{dn}) descriptor has been adopted by the State Environmental Protection Agency and used in the City of Milpitas General Plan Noise Element to measure and describe community noise exposure to typical noise sources such as vehicular traffic, aircraft overflights, rail traffic, industrial operations and construction activity. As indicated in Table 6.1, the DNL is defined as the average day-night sound level, and represents the 24-hour A-weighted equivalent sound level, with a 10-dB penalty for nighttime noise between 10:00 PM to 7:00 AM.

(c) State Standards. Environmental noise intrusion into new multi-family housing is regulated by Chapter 12, Section 1208, Sound Transmission Control, of the 1998 California Building Code. The Code stipulates that interior noise levels attributable to exterior sources shall not exceed 45 L_{dn} in any habitable room. The Code also stipulates that multi-family residential

Table 6.1
DEFINITIONS OF ACOUSTICAL TERMS

<u>Term</u>	<u>Definitions</u>
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this report are A-weighted.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 PM to 10:00 PM and after addition of 10 decibels to sound levels in the night between 10:00 PM and 7:00 AM.
Day/Night Noise Level, DNL or L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 PM and 7:00 AM.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.

SOURCE: Wagstaff and Associates

structures proposed where the noise level exceeds 60 L_{dn} require an acoustical analysis showing that the proposed design will limit exterior noise to the prescribed allowable interior level. These state standards are designed for sleep and speech protection; most jurisdictions apply the same criterion for all residential uses.

The State Occupational Safety and Health Administration (OSHA) has identified a noise exposure standard for construction activities that is set at the noise level threshold where hearing loss may occur from long-term exposures. The OSHA-identified maximum allowable construction noise level is 85 dBA averaged over eight hours. If the construction noise level exceeds 85 dBA, the allowable exposure time is correspondingly shorter.

The State OSHA-identified thresholds for speech interference indoors are about 45 dBA if the noise is steady and about 55 dBA if the noise is fluctuating. Outdoors the OSHA-identified thresholds are about 15 dBA higher. Steady noise of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep.

(d) Structural Attenuation. Typical structural attenuation is 12-to-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-to-62 dBA L_{dn} with windows open and 65-to-70 dBA L_{dn} with windows closed.

(e) Typical Noise Levels. Levels of 55-to-60 dBA are common along collector streets and secondary arterials, while 65-to-70 dBA is a typical value for a primary/major arterial. Levels of 75-to-80 dBA are normal noise levels at the first row of development adjacent to a freeway right-of-way. To achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed; those facing major roadways and freeways typically need special, noise-attenuating glass windows.

6.1.2 Existing Noise Environment

The proposed locations of the merger-enabled new, renovated and/or replaced advertising signs are adjacent to I-880 and I-680 freeway segments or within medians along local arterial roadway rights-of-way. The noise environment in the vicinity of these locations is dominated by vehicular traffic.

Existing and projected noise levels along the I-880 and I-680 freeway segments where the new, renovated and/or replaced advertising signs are proposed, just outside the freeway right-of-way, range from 65 to 80 dB DNL.¹ Intermittent noise levels within 100 feet of the centerline of the local arterial roadway segments where merger-enabled advertising/way-finding median signs are proposed (Montague Expressway and/or Calaveras Boulevard) typically range from 50 to above 80 dBA; average noise levels typically range from 65 to 70 dBA DNL.²

¹City of Milpitas, City of Milpitas General Plan, Noise Element, Figure 6-1 (Existing Noise Level Contours) and Figure 6-2 (Projected Future Noise Level Contours).

²Wagstaff and Associates, Final Supplemental Environmental Impact Report for Proposed Modifications to Great Mall of the Bay Area, certified by the City of Milpitas, December 1998 (Draft SEIR page 8-12).

6.2 IMPACT AND MITIGATION FINDINGS

6.2.1 Significance Criteria

The California Environmental Quality Act (CEQA) contains guidelines to evaluate the significance of effects of environmental noise attributable to a proposed project. Based on the CEQA Guidelines,¹ the proposed redevelopment project area merger and merger-enabled sign construction and operational activities would be considered in this SEIR to have a significant noise impact if they would result in:

- (a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- (b) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- (c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Following common noise impact assessment practice, a project-related long-term increase in noise level (e.g., electronic message board cycling noise) of 4 dBA or more above the ambient noise level at a sensitive receptor (e.g., at the property line of a residential or hotel/motel use) between the hours of 10:00 PM and 7:00 AM would constitute a significant impact.

Sign construction noise levels would be treated differently because they would be temporary and intermittent. Significant noise impacts would result from sign construction if noise levels could be sufficiently high to interfere with speech, sleep, or normal residential and hotel activities. Construction-related hourly average noise levels received at nearby residential or hotel land uses above 60 dBA during the daytime and 55 dBA at night and at least 5 dBA higher than ambient noise levels would be considered significant.

6.2.2 City of Milpitas Municipal Code

The City of Milpitas Municipal Code Title V (Public Health, Safety and Welfare) includes Chapter 213 (Noise Abatement) establishing city noise abatement requirements. Subsections 213-3 (Unlawful to Create or Permit Disturbing Noise) has been formulated to protect residential areas from excessive sound. Specifically, subsection 3.01 stipulates that it is unlawful in a district zoned for residential to make "disturbing noise" between the hours of 10:00 PM and 7:00 AM. Section 213-2 defines "disturbing" noise as "any sound or vibration caused by a sound which occurs at an intensity, frequency or in such a manner as to disturb the peace and quiet of any person." Certain essential activities, such as solid waste collection, are described as exempt from the regulation.

¹CEQA Guidelines, Appendix G, item XI (a, c, d).

6.2.3 Impacts and Mitigations

Impact 6-1: Potentially Disturbing Operational Noise Impacts on Nearby Residential and Hotel Land Uses. The electronic message board components of the proposed new, renovated or replaced advertising signs have not yet been specified in detail. At this preliminary point, based on previous general experience with electronic message boards at other locations, it is assumed that the cycling (switching) sound of rotating message board "spots," typically at 8-to-10-second duration, may be at audible levels which result in nuisance complaints from residents of the nearest homes along and off of North Hillview Drive south of Jacklin Road or along North Hillview Drive north of Calaveras Boulevard. Similar complaints could also be anticipated from the operators of the nearest hotels at the I-880/Calaveras Boulevard and I-880/Montague Expressway interchanges. All of these designated advertising sign locations are already subject to high existing ambient noise levels associated with the two freeways. Nevertheless, such noise effects could be noticeable and disturbing to nearby residents and hotel patrons during the nighttime hours (10:00 PM to 7:00 AM).

The possibility of noticeable noise intrusion indicates a ***potentially significant noise impact*** unless adequate noise attenuation is incorporated into the electronic message board designs.

Mitigation 6-1. To avoid potential electronic message board disturbing noise impacts on the nearest homes and hotels, the electronic message board component designs shall incorporate noise reduction and attenuation remedies sufficient to limit exterior intermittent noise level effects at these nearest homes and hotels to levels (intensity, frequency) which, to the satisfaction of the City, do not constitute "disturbing noise" as defined in Milpitas Municipal Code Title V (Public Health, Safety and Welfare), Chapter 213 (Noise Abatement); Definition 2.01 ("disturbing noise").

Implementation of this measure would reduce this impact to a ***less-than-significant level***.

Impact 6-2: Project Construction Period Noise. Construction activities associated with the proposed new, renovated or replaced advertising signs, depending upon the amount of activity, the type of construction equipment used, the noise control measures utilized, and the proximity to noise-sensitive uses, may expose nearest homes along the east side of Hillview Drive or Horcajo Circle (off Jacklin Road) or along the west side of North Hillview Drive (off Calaveras Boulevard) and the nearest hotels in these areas, to noise levels that would interfere with normal activities. This possibility represents a ***potentially significant impact*** (see criterion [c] under subsection 6.3.1, "Significance Criteria," above).

Mitigation 6-2. To reduce the noise impacts from project-related sign construction activities, the following measures shall be implemented as a condition of sign-related grading and building permit approvals:

- (1) *Construction Scheduling.* Limit noise-generating construction activity to between the hours of 7:00 AM to 7:00 PM on weekdays and weekends (Milpitas Municipal Code, Title V, Section 213-3.03).
- (2) *Construction Equipment Mufflers and Maintenance.* Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- (3) *Equipment Location.* Locate all stationary noise-generating equipment as far as possible from nearby residential uses.
- (4) *Construction Traffic.* Prohibit construction-related heavy truck traffic in residential areas where feasible.
- (5) *Quiet Equipment Selection.* Use quiet construction equipment, particularly air compressors, wherever possible.
- (6) *Noise Disturbance Coordinator.* Designate a "Noise Disturbance Coordinator" who would be responsible for responding to any local complaints about construction noise. The Disturbance Coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The City should be responsible for designating a Noise Disturbance Coordinator, and the project sponsor should be responsible for posting the phone number and providing construction schedule notices.)

Implementation of these measures would reduce this impact to a ***less-than-significant level***.

7. CEQA-REQUIRED ASSESSMENT CONCLUSIONS

This chapter summarizes the findings of this SEIR in terms of the various assessment categories suggested by California Environmental Quality Act (CEQA) guidelines for EIR content. The chapter includes report findings with respect to "growth inducement," "unavoidable significant adverse impacts," "irreversible environmental changes," "cumulative impacts," and "effects found not to be significant."

7.1 GROWTH-INDUCING IMPACTS

Section 21100(g) of CEQA requires that an EIR include information regarding the growth-inducing impact of the proposed project. Section 15126.2(d) of the CEQA Guidelines states that the discussion should include the *"...ways in which the proposed project could foster economic or population growth, or the construction of additional housing either directly or indirectly, in the surrounding environment."*

Merged Project Area growth inducement and increased economic activity and investment are intended impacts (i.e., goals) of the proposed redevelopment project area merger. If the project objectives are successfully achieved (see section 3.2, Project Objectives, herein), redevelopment-facilitated economic development activities are expected to continue to occur in the Merged Project Area, including an increased business activity and associated improvements in housing opportunity. The overall, growth-inducing effects and associated environmental impacts of the two original Redevelopment Plans and subsequent amendments have been adequately addressed in the following three previous Redevelopment Agency-certified Environmental Impact Reports:

- Final Program EIR for the Adoption of the Redevelopment Plan for the Great Mall Project, State Clearinghouse No. 92063043, 1993;
- Final Program EIR for the Plan Amendment to Redevelopment Project Area No. 1, State Clearinghouse No. 9509357, 1996; and
- Final Program EIR for the Eighth Amendment to the Redevelopment Plan for Milpitas Redevelopment Project Area No. 1, State Clearinghouse No. 2002112043, 2003.

No change in these previous General Plan-based growth scenario findings are anticipated with the proposed merger amendments (no General Plan amendments are proposed with the project).

7.2 UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

Section 21100(b) of CEQA requires that the SEIR discuss *"any significant effects on the environment that cannot be avoided if the project is implemented."* Unavoidable adverse

impacts are those that could not be reduced to less-than-significant levels by the mitigation measures recommended in this SEIR. The following three impacts have been identified in this SEIR as *significant unavoidable impacts*:

- **Impact 4-1: Potential Adverse Impact of Advertising Signs on Community Character and Image;**
- **Impact 4-2: Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses; and**
- **Impact 5-1: Potential Adverse Land Use Compatibility Impacts.**

7.3 IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 21100(b)(2)(8) of CEQA requires that an EIR identify any significant irreversible changes that would result from implementation of the project. The proposed Milpitas redevelopment plan merger amendments would facilitate a continued series of actions, improvements, and development in the Merged Project Area. The various physical effects of project-induced growth (which have been adequately described in the previously certified CEQA documents cited in section 1.2 of this SEIR) would be considered "irreversible environmental changes." The future removal of project-facilitated economic, land use and infrastructure changes, and associated environmental impact reversals, would be highly unlikely; therefore, the various project-facilitated physical changes can be considered "irreversible."

7.4 CUMULATIVE IMPACTS

The CEQA Guidelines (section 15355) define "cumulative impacts" as "*..two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*" In the case of the proposed redevelopment plan merger amendments, cumulative impacts are expected to result from the redevelopment-facilitated Merged Project Area buildout scenario, in combination with other recently approved and pending development in the Milpitas planning area. The cumulative effects of this buildout scenario on land use, population, housing, employment, transportation, infrastructure and public services, aesthetics, biological resources, cultural/historic resources, geology/soils, drainage/water quality, noise, air quality, and hazardous materials have been fully considered and in the preparation and certification of the previous CEQA documentation cited in section 1.2 of this SEIR. The proposed merger amendments propose no changes to adopted General Plan land use policies; therefore, no significant supplemental cumulative effects will occur with the project.

7.5 EFFECTS FOUND NOT TO BE SIGNIFICANT

The Redevelopment Agency, in its Initial Study for the proposed Milpitas Project Area Merger Amendments, determined that a number of specific possible environmental effects would not occur or would be insignificant. These determinations are described in Appendix 11.1 of this SEIR, which contains the Initial Study Checklist and narrative. Subsequently, in response to the August 2006 NOP for this SEIR (see section 1.4, SEIR Scope, herein), concerns were raised regarding the potential electromagnetic field and traffic safety impacts of the merger-enabled

electronic message board signs. These potential effects have also been determined to be insignificant, as explained below:

Potential EMF Health Effects of Electronic Message Boards. With regard to the possibility of electromagnetic field (EMF) and associated adverse health effects of the proposed electronic message board advertising signage on nearby residential and commercial land uses, it is generally known that electric and magnetic fields are found everywhere electricity is used. In a recent court case adjudicating a lawsuit attempting to establish a potential link between EMF and adverse health effects,¹ the court noted the recent California Public Utilities Commission conclusion that, with regard to high voltage electrical transmission lines, which produce EMF levels considerably higher than would be emitted by an electronic message board sign, available evidence does not support a reasonable belief that there is a causal association between electromagnetic fields and cancer. The court ruling concluded as follows:

To sum up, "There are electric and magnetic fields wherever there is electric power." (OTA Rep., supra, at p. 1.) In the typical home, fields of various strengths arise from the wall and ceiling wiring, the ground currents, and all electric machinery, equipment, and appliances: "Keeping fields out of the home would mean keeping any electricity from coming into or being used in the home." (EPA Q&A, supra, at p. 16, italic added.) And because the sources of electric and magnetic fields inside the home are so numerous, "Occupants of the average households are probably exposed to higher fields from their house wiring and appliances than from outside wiring," i.e., from powerlines.²

Based on this and similar general information, it has been determined that adverse health effects associated with the electronic message board components of the proposed advertising signs nearest existing residential and commercial uses would be *less than significant*.

Traffic Safety Impacts. The proposed new and renovated or replaced advertising signs would, by design be visually prominent and visually distracting elements along the Milpitas segments of I-880 and I-680. However, the degree of visual distraction would not be unlike, or significantly greater than, numerous similar monument and message board signs existing along the I-880 and U.S. 101 freeway corridors between San Francisco and San Jose. Some of these existing monument and message board signs are of greater height and sign area than the proposed Milpitas signs. The proposed Milpitas signs would be added to the existing myriad of stationary and mobile visual element which constitute typical freeway corridor environments in the San Francisco Peninsula-San Jose region and would not be expected to result in a unique visual distraction and associated significant traffic safety impact.

¹San Diego Gas and Electric Co. vs. Orange County Superior Court, in the Supreme Court of California, after decision by The Court of Appeal, 4th Appellate District, Division III, Case No. G016256.

²Ibid.

8. MITIGATION MONITORING

8.1 MONITORING REQUIREMENTS

CEQA section 21081.6 of the Public Resources Code requires all public agencies to adopt mitigation reporting or monitoring programs when they approve projects subject to environmental impact reports or mitigated negative declarations. Accordingly, a mitigation monitoring program would be required for implementation subsequent to certification of the SEIR for the Proposed Merger of Milpitas Redevelopment Project Area No. 1 and the Great Mall Project Area. Most of the environmental mitigation measures that have been recommended in this SEIR would be subject to effective monitoring through normal City and Redevelopment Agency redevelopment plan amendment approval procedures, or through the normal grading, design review, and building permit approval procedures that would be required for the merger-enabled signs, as well as during associated plan check and field inspection procedures. However, to satisfy CEQA section 21081.6, a documented record of implementation will be necessary.

8.2 MONITORING CHECKLIST FORMAT

While actual formulation of a specific mitigation monitoring program should not be completed until this SEIR is certified, the framework to be followed in completing the monitoring program (subsequent to project approval) can be determined on a preliminary basis at this SEIR formulation stage. The attached checklist (Table 8.1) includes spaces for identifying: (1) each mitigation measure included in the SEIR; (2) the party responsible for implementing that mitigation measure and any related requirements with respect to the timing of implementation; and (3) the party responsible for performing mitigation monitoring, plus information on the type and required timing implications of the monitoring procedures. These checklist categories are discussed in more detail below.

8.1.1 Identified Impact

This column would include each identified significant adverse impact as it is described in the SEIR summary table (Table 2.1 in SEIR chapter 2).

8.1.2 Related Mitigation Measure (Performance Criteria)

This column would identify any applicable performance criteria (i.e., the measure by which the success of the mitigation can be gauged) associated with each mitigation measure.

8.1.3 Monitoring

This column would describe (1) the "implementation entity" responsible for carrying out each mitigation measure (e.g., Redevelopment Agency or other City department, another public agency); (2) the "type of monitoring action" required (e.g., condition of redevelopment plan

amendment approval, established plan check and/or inspection procedures for the merger-enabled signs, or, if these are not sufficient, specialized monitoring procedures); (3) specific implementation timing requirements (e.g., at the completion of a particular development review or construction phase); and (4) the "monitoring and verification entity" responsible for performing the monitoring of each mitigation (e.g., Redevelopment agency or other City department, another public agency, or some other entity).

8.1.4 Verification

The verification column would provide a space for the signature and date of the "monitoring and verification" entity when a monitoring milestone is reached.

Table 8.1

MITIGATION MONITORING CHECKLIST--MILPITAS REDEVELOPMENT PROJECT AREA MERGER

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the proposed redevelopment plan merger amendments in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING				VERIFICATION		
		Impl. Entity ¹	Type of Monitoring Action ²	Timing Requirements ³	Monitoring and Verification Entity ⁴	Signature	Date	
AESTHETICS								
Impact 4-1.								
Impact 4-2.								
Impact 4-3.								
LAND USE AND PLANNING								
Impact 5-1.								
NOISE								
Impact 6-1.								
Impact 6-2.								

¹ City = City of Milpitas; MRA = Milpitas Redevelopment Agency

² CPI = Construction-Period Inspection; OTC = One Time Confirmation Action; PC = Plan Check; SMS = Specialized Monitoring Study; SSR = Subsequent Standard Review

³ DPC = During Project Construction; PGP = Prior to Issuance of Building Permit; PGP = Prior to Issuance of Grading Permit; STR = Specialized Timing Requirement

⁴ MRA = Milpitas Redevelopment Agency; Planning = Milpitas Planning Department; MPW = Milpitas Public Works Department

9. ALTERNATIVES TO THE PROPOSED ACTION

The potential environmental consequences of the proposed Milpitas redevelopment project area merger and merger-enabled advertising signs have been analyzed in detail in this SEIR. Four alternatives to the proposed project are discussed in this chapter to provide a basis for further understanding the environmental effects of the project and possible approaches to reducing identified significant impacts, and to meet CEQA requirements for SEIR content. The four alternatives are:

- **Alternative 1: No Project (Current Redevelopment Project Status).** As required by the CEQA Guidelines (section 15126.6[e][1]), Alternative 1 assumes that the Redevelopment Agency-proposed project area merger and merger-enabled new advertising sign construction and existing advertising sign renovation/replacement actions would not occur, and the existing Redevelopment Plans and Project Area definitions for Project Area No. 1 and the Great Mall Project Area would remain unchanged.
- **Alternative 2: Fixed, Monument-Type Advertising Signs Only (No Electronic Message Boards).** To reduce potential aesthetic, land use and noise impacts, this alternative assumes that the Redevelopment Agency-proposed project area merger and merger-enabled new advertising sign construction and existing advertising sign renovation/replacement actions would occur, but all new and renovated or replaced advertising signs would be limited to fixed copy monument type signs with no electronic reader boards.
- **Alternative 3: Reduced Sign Area and Height.** To reduce potential aesthetic and land use impacts, this alternative assumes that the Redevelopment Agency proposed project area merger and merger-enabled new advertising sign construction and existing advertising sign renovation/replacement actions would occur, but with top-of-sign maximum heights of 45 feet rather than 65 feet, and maximum sign surface areas of 15x40 feet rather than 20x60 feet.
- **Alternative 4: Reduced Number of Signs.** To reduce potential aesthetic, land use noise impacts, this alternative assumes that the Redevelopment Agency-proposed project area merger and merger-enabled new advertising sign construction and existing advertising sign renovation/replacement would occur, but with a reduced total number of new and renovated or replaced signs from five to three.

9.1 ALTERNATIVE 1: NO PROJECT

9.1.1 Principal Characteristics

Under the No Project alternative, the proposed project area merger amendments to the Redevelopment Plans for Project Area No. 1 and the Great Mall Project Area would not be

adopted. These two original redevelopment plans would remain in effect as currently formulated. No actions would be taken by the Redevelopment Agency to merge the two existing project areas or implement the merger-enabled new advertising sign construction or existing advertising sign renovation or replacement. Without the merger, the Redevelopment agency would not have the authority or fiscal ability to install new or renovated or replace existing advertising signs at locations along I-880 and I-680. Continued Agency-facilitated economic development and improvement activities in the two project areas would be limited to those authorized under the two currently adopted Redevelopment Plans as most recently amended.

9.1.2 Comparative Impacts and Mitigating Effects

(a) Aesthetics. Under this "no project" alternative, redevelopment assistance would still be provided to the existing project areas under the two previously-adopted redevelopment plans, but the merger-enabled freeway advertising sign improvements and the associated adverse aesthetic impacts identified in section 4 (Aesthetics) of this SEIR (Impacts 4-1, 4-2 and 4-3) would not occur. Mitigations 4-1, 4-2 and 4-3 would therefore be unnecessary. Conversely, without the anticipated advertising sign-generated increase in the economic viability of Great Mall Shopping Center and other businesses located in the two existing project areas, blighting conditions identified in the two areas and any associated adverse aesthetic conditions would be less likely to be fully resolved through increased economic activity, or would be resolved at a slower rate.

(b) Land Use and Planning. For similar reasons, the adverse land use compatibility impact identified in section 5 (Land Use and Planning) of this SEIR (Impact 5-1) would not occur under the "no project" alternative. Mitigation 5-1 would therefore be unnecessary. Conversely, without the anticipated advertising sign-generated increase in the economic viability of Great Mall Shopping Center and other businesses in the two project areas, any existing land use compatibility problems associated with blight in the two areas would be less likely to be resolved through redevelopment, or would be resolved at a slower rate.

(c) Noise. Impact 6-1--the potentially adverse long-term operational noise impacts of electronic message board operation or Impact 6-2--the potential short-term noise impacts associated with merger-enabled sign construction activities, would not occur under this no project alternative. Mitigations 6-1 and 6-2 would therefore be unnecessary. Other redevelopment-facilitated development activity anticipated in the two project areas under the currently adopted redevelopment plans and associated long-term traffic noise and short-term construction impacts identified in the previous EIRs for these plans would continue to occur.

(d) Achievement of Project Objectives. The economic improvement objectives of the proposed merger project, including enabling the installation of up to three new advertising signs and the renovation or replacement of up to two existing advertising signs, at locations along the I-880 and I-680 highway corridors through the City, and associated increases in public awareness and the economic viability of Merged Project Area businesses, would not be achieved under the proposed "no project alternative" (see section 3.2.1, General Project Objectives, in chapter 3, Project Description, herein).

9.2 ALTERNATIVE 2: FIXED, MONUMENT-TYPE SIGNS ONLY (NO ELECTRONIC MESSAGE BOARDS)

9.2.1 Principal Characteristics

The advertising sign components under this alternative would be similar to the proposed merger-enabled signs, but the sign designs would be limited to fixed copy, monument types with no rotating, electronic reader board components.

9.2.2 Comparative Impacts and Mitigating Effects

(a) Aesthetics. Impact 4-1 (Potential Adverse Impact of Advertising Signs on Community Character and Image), 4-2 (Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses), and 4-3 (Potential Light and Glare Impacts) would still occur and would still be significant under this alternative, but would not be substantially exacerbated by electronic message board sign components. This alternative would implement one of the suggested measures listed under Mitigation 4-1--"elimination of the electronic message board components." The remaining aspects of Mitigation 4-1, plus all of Mitigations 4-2 and 4-3, would remain necessary. The effectiveness of Mitigations 4-1 and 4-2 in reducing associated visual impacts to less-than-significant levels would remain unassured, resulting in the same *significant unavoidable impact* conclusions (and associated needs for a Statement of Overriding Considerations).

Elimination of the electronic message board components would increase project consistency with General Plan Guiding Principle 4.g-G-3 cited in section 4.1.3 herein, *Preserve and enhance the natural beauty of the Milpitas area*.

(b) Land Use and Planning. For similar reasons, Impact 5-1 (Potential Adverse Land Use Compatibility Impacts) would still occur, but would not be exacerbated by electronic message board sign components. One of the suggested measures listed under Mitigation 4-1--"elimination of the electronic message board components," which is incorporated by reference in Mitigation 5-1, would be implemented by this alternative. The remaining mitigation measures indicated under Mitigation 5-1 (i.e., Mitigations 4-1, 4-2 and 4-3) would remain necessary, and the effectiveness of Mitigations 4-1 and 4-2 in reducing associated land use compatibility effects to a less-than-significant level would remain unassured, resulting in the same *significant unavoidable impact* conclusion (and associated need for a Statement of Overriding Consideration).

(c) Noise. Elimination of the electronic message board component would mitigate (avoid) Impact 6-1 (Potential Disturbing Operational Noise Impacts on Nearby and Hotel Residential Land Uses); Mitigation 6-1 would therefore not be necessary under this alternative.

(d) Project Consistency with Local and Regional Plans. Elimination of the electronic message board components would increase project consistency with General Plan Guiding Principle 4.g-G-3 cited in section 4.1.3 herein, *Preserve and enhance the natural beauty of the Milpitas area*.

(e) Achievement of Project Objectives. Elimination of the electronic message board components of the merger-enabled new and renovated or replaced advertising signs would reduce the effectiveness of the merger-enabled advertising sign program in meeting its objective to increase public awareness and the economic viability of Merged Project Area businesses (see section 3.2.1, General Objectives, in chapter 3, Project Description, herein).

9.3 ALTERNATIVE 3: REDUCED SIGN AREA AND HEIGHT

9.3.1 Principal Characteristics

This alternative would be similar to the proposed project, but the maximum height and maximum sign area of the merger-enabled advertising signs would be reduced. Maximum top-of-sign heights would be 45 feet rather than 65 feet, a 30 percent height reduction, and maximum sign areas would be 15 feet high by 40 feet wide, rather than 20 feet high by 60 feet, a 50 percent sign area reduction.

9.3.2 Comparative Impacts and Mitigating Effects

(a) Aesthetics. Impact 4-1 (Potential Adverse Impact of Advertising Signs on Community Character and Image) would be substantially reduced under this alternative, possibly to a less-than-significant level. The reduced sign heights and areas would in turn substantially reduce sign prominence in the freeway view. When viewed, the signs would not extend significantly above the existing urban plane into the open sky. The signs would be less visually incongruous. Impact 4-2 (Potential Advertising Sign Visual Intrusion Impacts on Nearby Residential and Hotel Uses) would also be substantially reduced, but not assuredly to a less-than-significant level. The substantially reduced design heights and sign areas (scale) would be perceived as less visually outsized and obtrusive than the proposed project sign dimensions would, but Impact 4-2 would remain potentially significant. Mitigation 4-2 (required architectural design review and selective location and orientation of the signs to avoid or minimize their direct exposure to views from adjacent or nearby residential and hotel suite uses) would remain necessary, and the effectiveness of Mitigation 4-2 in reducing this impact to less-than-significant levels would still not be assured (i.e., Impact 4-2 would remain *significant and unavoidable*). Impact 4-3 (Potential Light and Glare Impacts) would also be substantially reduced by the decrease in maximum sign height and area, but Mitigation 4-3 (architectural design review and illumination design performance standards) would remain necessary.

(b) Land Use and Planning. For similar reasons, Impact 5-1 (Potential Adverse Land Use Compatibility Impacts) would still occur, but would be substantially reduced by the decrease in maximum sign height and area. Mitigation 5-1 (implementation of visual impact mitigations 4-1, 4-2 and 4-3) would remain necessary, and its effectiveness in reducing this land use incompatibility impact to a less-than-significant level would still not be assured (i.e., Impact 5-1 would remain *significant and unavoidable*).

(c) Noise. Reduction in sign heights may also serve to reduce Impact 6-1 (Potentially Disturbing Operational Noise Impacts on Nearby Residential and Hotel Uses) by reducing the area of noise intrusion, but would not reduce this impact to a less-than-significant level. Mitigation 6-1 (noise attenuation measures to meet City performance standards) would remain necessary. Impact 6-2 (Potential Construction Period Noise) and associated Mitigation 6-2 (construction period noise reduction measures) would remain unchanged.

(d) Project Consistency with Local and Regional Plans. Reduction in maximum sign height and area as suggested under this alternative would increase project consistency with General Plan Guiding Principle 4.g-G-3 cited in section 4.1.3 herein, *Preserve and enhance the natural beauty of the Milpitas area*.

(e) Achievement of Project Objectives. Reduction in the maximum height and area of the merger-enabled advertising signs would reduce the effectiveness of the merger-enabled advertising sign program in meeting its objective to increase public awareness and the economic viability of Merged Project Area businesses (see section 3.2.1, General Objectives, in Chapter 3, Project Description, herein).

9.4 ALTERNATIVE 4: REDUCED NUMBER OF SIGNS

9.4.1 Principal Characteristics

This alternative would be similar to the proposed project, but the total number of merger-enabled advertising signs would be reduced from up to five (5) to up to three (3).

9.4.2 Comparative Impacts and Mitigating Effects

(a) Aesthetics. Impact 4-1 (Potential Adverse Impact of Advertising Signs on Community Character) would be reduced due to the reduced number of the visually prominent advertising signs, but the up to three (rather than five) signs would still have the potentially adverse impacts on the community image and character described under Impact 4-1. Mitigation 4-1 would remain necessary, and its effectiveness in reducing this impact to a less-than-significant level would still not be assured (i.e., a Statement of Overriding Considerations would remain necessary). Impacts 4-2 (Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses) may be easier to avoid under this alternative, given the reduced number of merger-enabled advertising signs, but total avoidance of this impact would not be assured. Mitigation 4-2 would therefore remain necessary, and its effectiveness in reducing this impact to a less-than-significant level would still not be assured (i.e., a Statement of Overriding Considerations would remain necessary).

(b) Land Use and Planning. For similar reasons, Impact 5-1 (Potential Adverse Land Use Compatibility Impacts) would not be eliminated by the reduction in total merger-enabled signs, Mitigation 5-1 (i.e., implementation of Mitigations 4-1, 4-2 and 4-3) would remain necessary, and the effectiveness of Mitigation 5-1 in reducing this impact to a less-than-significant level would still not be assured (i.e., a Statement of Overriding Considerations would still be required).

(c) Noise. Impact 6-1 (Potentially Disturbing Operational Noise Impacts on Nearby Residential and Hotel Uses) and 6-2 (Potential Construction Period Noise Impacts) would occur at fewer locations under this alternative than under the project, but would still occur, and associated Mitigations 6-1 and 6-2 would remain necessary.

(d) Achievement of Project Objectives. Reduction in the total number of advertising signs from five to three would reduce the effectiveness of the merger-enabled advertising sign program in meeting its objective to increase public awareness and the economic viability of Merged Project Area businesses.

9.5 CONCLUSION: ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines (section 15126[e][2]) stipulate, "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Based on the comparative analysis findings described in sections 9.1 through 9.4 above and summarized in Table 9.1, other than the "no project" alternative, **Alternative 3: Reduced Sign Area and Height**, would result in the least adverse combination of environmental impacts. However, as indicated in subsection 9.4.2(e) above, Alternative 3 would not be as effective in meeting the general objectives of the merger-enabled advertising sign program.

Table 9.1
SUMMARY COMPARISON OF ALTERNATIVES--MITIGATING EFFECTS

	<u>Alternative 1: No Project</u>	<u>Alternative 2: Fixed, Monument Type Signs (No Electronic Message Boards)</u>	<u>Alternative 3: Reduced Sign Area & Height</u>	<u>Alternative 4: Reduced Number of Signs</u>
Aesthetics:				
<i>Impact 4-1 (potential adverse impact of advertising signs on community character and image)</i>	Impact avoided	Reduced, but not avoided	Reduced, potentially to less-than-significant level	Reduced, but not avoided
<i>Impact 4-2 (potential advertising sign visual intrusion impacts on nearby residential and hotel uses)</i>	Impact avoided	Reduced, but not avoided	Reduced, but not avoided	Reduced, but not avoided
<i>Impact 4-3 (potential light and glare impacts)</i>	Impact avoided	Reduced, but not avoided	Reduced, but not avoided	Reduced, but not avoided
Land Use and Planning:				
<i>Impact 5-1 (adverse land use compatibility impacts)</i>	Impact avoided	Reduced, but not avoided	Reduced, but not avoided	Reduced, but not avoided
Noise:				
<i>Impact 6-1 (potentially disturbing operational noise impacts on nearby residential and hotel uses)</i>	Impact avoided	Impact avoided	Reduced, but not avoided	Reduced, but not avoided
<i>Impact 6-2 (potential construction period noise impacts)</i>	Impact avoided	Same impact	Same impact	Reduced, but not avoided

SOURCE: Wagstaff and Associates, September 2006.

10. ORGANIZATIONS AND PERSONS CONTACTED

10.1 REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS

Diana Whitecar, Economic Development Manager

10.2 CITY OF MILPITAS

Tom Williams, Director, Planning and Neighborhood Services Department
Cindy Maxwell, Principal Administrative Analyst, Planning and Neighborhood Services
Department

10.3 CITY OF MILPITAS REDEVELOPMENT CONSULTANTS

Paul Anderson, Principal, Keyser Marston Associates, Inc.
Charles Kovac, Senior Associate, Keyser Marston Associates, Inc.
Susan Bloch, Attorney, Meyers Nave
Richard Pio Roda, Attorney, Meyers Nave

11. APPENDICES

- 11.1 Notice of Preparation and Initial Study
- 11.2 CEQA Standards for EIR Adequacy
- 11.3 CEQA Definition of "Mitigation"
- 11.4 Supplemental Lighting Information
- 11.5 EIR Consultant Team

APPENDIX 11.1

NOTICE OF PREPARATION AND INITIAL STUDY

Milpitas Project Area Merger Program
Redevelopment Agency of the City of Milpitas
September 18, 2006

Draft Supplemental EIR
Appendix 11.1



FILE COPY

NOTICE OF PREPARATION

To: Responsible Agencies, Trustee Agencies, Affected Taxing Agencies, and Other Interested Parties

Subject: Notice of Preparation of a Supplemental Draft Environmental Impact Report¹

From: The Redevelopment Agency of the City of Milpitas

Street Address: 455 E. Calaveras Boulevard

City/State/Zip: Milpitas, California 95035-5411

Contact: Diana Whitecar, Economic Development Manager

The Redevelopment Agency of the City of Milpitas (Redevelopment Agency) will be the Lead Agency and will prepare a Supplemental Environmental Impact Report (SEIR) for the proposed project identified below. We are interested in the views of your agency as to the appropriate scope and content of the SEIR's environmental information pertaining to your agency's statutory responsibilities in connection with the proposed project.

The proposed project, its location, and its potential environmental effects are described in the attached Initial Study.

Due to the time limits mandated by state law, your response must be sent at the earliest possible date but **not later than 30 days** after receipt of this notice.

Please send your response to the Redevelopment Agency of the City of Milpitas, Attention: Diana Whitecar, Economic Development Manager; 455 E. Calaveras Boulevard, Milpitas, California 95035-5411. Please provide a contact name for your agency with your comments.

Project Title: Proposed Merger of the Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project

Project Applicant: The Redevelopment Agency of the City of Milpitas

Project Location: The project location is described in the attached Initial Study.

Project Description: The Redevelopment Agency of the City of Milpitas ("Redevelopment Agency") is proposing to adopt merger amendments to the existing Redevelopment Plans for the Milpitas Redevelopment Project Area No. 1 and Great Mall Redevelopment Project Area ("Project Areas") in order to continue and improve implementation of the Redevelopment Agency's economic development and housing opportunity improvement objectives in or near the two Project Areas ("Merged Project Area"). The proposed merger amendments ("merger") are expected to help accomplish these objectives by, among other activities, enabling the installation of up to three new advertising signs and the renovation or replacement of up to two existing advertising signs at locations along the I-880 and I-680 highway corridors through the City. Up to two of the signs are expected to include digital message boards. The remaining signs are expected to be fixed, monument type signs with no digital message boards. The signs are intended to facilitate the increased economic viability of the Great Mall Shopping Center and other businesses located within the

¹References: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15163, and 15375.

Merged Project Area. The signs are also intended to provide opportunities for public and civic announcements.

DSEIR Scope:

The Redevelopment Plan for Project Area No. 1 was originally adopted in 1976 and has been amended several times since then, most recently in 2003. The Redevelopment Plan for the Great Mall Project Area was originally adopted in 1993 and has been amended twice since then, most recently in 2001. The proposed merger is intended to continue and improve Redevelopment Agency abilities to implement economic development and housing opportunity improvement objectives established in these two previously-adopted Redevelopment Plans. The growth-inducing (urban intensification) effects of the two original Redevelopment Plans for Project Area No. 1 and the Great Mall Project Area, and subsequent amendments, have been and will continue to be dictated by the City of Milpitas General Plan and associated zoning controls. The overall, growth-inducing effects and associated environmental impacts of these two original Redevelopment Plans and subsequent amendments have been adequately addressed in the following two previous Redevelopment Agency-certified Environmental Impact Reports.

- Final EIR for the Adoption of the Redevelopment Plan for the Great Mall Project, State Clearinghouse No. 92063043, 1993; and
- Final EIR for the Plan Amendment to Redevelopment Project Area No. 1, State Clearinghouse No. 9509357, 1996.

Pursuant to section 15163 (Supplement to an EIR), the SEIR for the currently-proposed merger amendments will include only the information necessary to make the previous CEQA documentation adequate for the two Redevelopment Projects as amended. The overall growth-inducing effects of the currently-proposed merger amendments and merger-enabled sign improvements will, by law, continue to be dictated by the same General Plan and zoning controls, and will therefore fall within the growth scenarios addressed in the previous CEQA documents listed above. The scope of the SEIR will be limited to evaluation of the added impacts of new actions facilitated by the merger, especially the potential impacts of the merger-enabled highway sign construction and renovation.

The Redevelopment Agency has prepared the attached Initial Study in CEQA-recommended format to further establish the focus of the SEIR on potentially new significant environmental effects or substantial increases in the severity of previously identified significant effects.

Notice of Scoping Meeting:

Pursuant to CEQA Guidelines section 15082(c) (Notice of Preparation and Determination of Scope of EIR), the Redevelopment Agency will conduct a Scoping Meeting for the purpose of soliciting views of adjacent jurisdictions, responsible agencies, agencies with jurisdiction by law, trustee agencies, and interested parties requesting notice, as to the appropriate scope and content of the SEIR. The Scoping Meeting will be held before the City of Milpitas Planning Commission on September 13, 2006 at 7:00 PM in the City of Milpitas Council Chambers, 455 E. Calaveras Boulevard, Milpitas, California.

Diana Whitecar, Economic Development Manager
Telephone: (408) 586-3059
FAX: (408) 586-3056

Date

Distribution List:

Milpitas City Council	City of San Jose Planning Department
Milpitas Planning Commission	City of San Jose Redevelopment Agency
Milpitas Finance Department	City of San Jose Airport Department
Milpitas Community Development Department	City of Fremont Planning Division
Milpitas Public Works Department	Alameda County Planning Department
Milpitas Neighborhood Services Department	San Francisco Regional Water Quality Control Board
Milpitas Traffic Engineer	San Francisco Bay Regional Air Quality Management District
Milpitas City Engineer	Metropolitan Transportation Commission
Milpitas Police Department	California Air Resources Board
Milpitas Fire Department	California Department of Housing & Community Development
Milpitas Leisure Services Division	California Department of Transportation
Milpitas Unified School District	California Office of Historic Preservation
Milpitas Chamber of Commerce	Federal Aviation Administration District Office
Santa Clara County Planning Department	California Department of Fish and Game
San Clara County Department of Environmental Health	Lick Observatory
Santa Clara County Department of Roads and Airports	All affected taxing agencies
Santa Clara County Congestion Management Agency	
Santa Clara County Transportation Agency	
Santa Clara Valley Water District	

This Notice of Preparation, attached Initial Study, referenced previous EIRs, and supporting materials are available for review at the Redevelopment Agency of the City of Milpitas, 455 E. Calaveras Boulevard, and at the Milpitas Community Library, 40 North Milpitas Boulevard, Milpitas.



INITIAL STUDY FOR THE PROPOSED MERGER OF MILPITAS REDEVELOPMENT PROJECT AREA NO. 1 AND THE GREAT MALL REDEVELOPMENT PROJECT AREA

1. **Project Title:** Proposed Merger of the Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project
2. **Lead Agencies:** Redevelopment Agency of the City of Milpitas
455 E. Calaveras Boulevard
Milpitas, California 95035-5411
3. **Contact Person and Phone Number:** Diana Whitecar, Economic Development Manager
Telephone: (408) 586-3059
FAX: (408) 586-3056

4. **Project Overview:**

Pursuant to California Community Redevelopment Law ("CRL"), the Redevelopment Agency of the City of Milpitas ("Redevelopment Agency") is proposing to adopt amendments to the existing Redevelopment Plans for its Redevelopment Project Area No. 1 and Great Mall Redevelopment Project Area ("Project Areas") to merge these two Project Areas into one "Merged Project Area." The proposed merger amendments ("merger") are intended to provide the Redevelopment Agency with the authority and fiscal ability to further its economic development and housing opportunity improvement objectives in and near the Merged Project Area. The merger is expected to help accomplish these objectives by, among other activities, enabling the installation of up to three new advertising signs and renovation or replacement of up to two existing advertising signs at locations along the I-880 and I-680 highway corridors through the City. The signs are intended to facilitate the increased economic viability of the Great Mall Shopping Center and other businesses located within the Merged Project Area. The signs are also intended to provide opportunities for public and civic announcements.

5. **Project Background:**

The Redevelopment Agency is responsible for implementing redevelopment activities within the City of Milpitas, pursuant to California Community Redevelopment Law. Milpitas has established two redevelopment Project Areas: Milpitas Redevelopment Project Area No. 1 ("Project Area No. 1") and the Great Mall Redevelopment Project Area. Project Area No. 1 currently contains approximately 2,230 acres or 94 percent of the proposed Merged Project Area. The Great Mall Redevelopment Project Area currently contains approximately 150 acres or 6 percent of the Merged Project Area.

The original Redevelopment Plan for Project No. 1 was adopted by the City Council in 1976. The original Redevelopment Plan for the Great Mall Project Area was adopted by the City Council in 1993. Both redevelopment projects have been amended since then.

6. **Terminology:** As used in this Initial Study, the CEQA term "project" is defined to mean the proposed merger amendments to the existing Redevelopment Plans for Project Area No. 1 and the Great Mall Project Area, as well as all proposed merger-enabled actions to facilitate continued economic development and housing improvement in and near the Merged Project Area, including the installation of up to three new advertising signs and renovation or replacement of up to two existing advertising signs along the I-880 and I-680 freeway corridors through Milpitas.

7. **Project Area Location:** Figure 1 shows the boundaries of the two Project Areas to be merged, which encompass the City's major commercial areas. Project Area No. 1 consists of approximately 2,230

acres located in the central portion of the City, including the original downtown area and the City's primary industrial area. The Great Mall Project Area consists of approximately 150 acres encompassing the Great Mall of the Bay Area shopping center complex, bounded by Great Mall Parkway, Montague Expressway, South Main Street, and the Union Pacific Railroad tracks.

8. Project Sponsors' Names and Addresses: The project sponsor is the Redevelopment Agency of the City of Milpitas, 455 E. Calaveras Boulevard, Milpitas, California 95035-5411; contact: Diana Whitecar, Economic Development Manager.

9. General Plan Designations: The proposed Merged Project Area includes a variety of City of Milpitas General Plan commercial, industrial, residential and other land use designations. These designations will be described in more detail in the SEIR. No change in General Plan designations or policies is proposed.

10. Zoning: Similarly, the proposed Merged Project Area includes a variety of associated commercial, industrial, residential and other land use districts consistent with the General Plan. These districts will be described in more detail in the SEIR. No change in zoning is proposed.

11. Description of Project: The proposed Project Area merger is intended to provide the Redevelopment Agency with the authority and fiscal ability to further its economic development and housing opportunity improvement objectives in and near the Merged Project Area. The merger would enable, among other redevelopment activities, the construction of up to three new advertising signs and the renovation or replacement of up to two existing advertising signs along the I-880 and I-680 highway corridors through Milpitas in order to increase public awareness and the economic viability of Merged Project Area businesses. The proposed highway sign improvements are intended to prominently advertise private businesses and public/civic events within the Merged Project Area. Up to two of the signs are expected to include digital message boards. The remaining signs are expected to be fixed, monument type signs with no digital message boards. The signs would be designed to provide for increased advertising signage visibility, capacity, flexibility and marketing quality, and thereby increase awareness of Merged Project Area businesses and public/civic activities.

(a) Purposes of the Proposed Merger. Section 33485 *et seq.* of the CRL allows for merger of redevelopment project areas as a matter of public policy if the merger will result in substantial benefit to the public, and will contribute to the revitalization of the Project Areas through the increased economic vitality of such areas and through increased and improved housing opportunities in or near such areas. The CRL also provides that redevelopment project areas, under the jurisdiction of a redevelopment agency, may be merged without regard to contiguity of the areas, by the amendment of each affected redevelopment plan.

Furthermore, taxes attributable to each project area merged that are allocated to the redevelopment agency may be allocated to the entire merged project area for the purpose of paying the principal of, and interest on, indebtedness incurred by the redevelopment agency to finance or refinance, in whole or in part, the merged redevelopment project. (It should be noted that the Milpitas Redevelopment Agency does not receive any tax increment funds from the Great Mall Project Area and the proposed Merger and Amendments do not provide for the Agency to do so.)

The primary purpose of the proposed Milpitas merger is to facilitate and increase the economic viability of the Great Mall Shopping Center and other businesses in the Merged Project Area by, among other things, enabling installation of new advertising signs and renovation or replacement of existing advertising signs along the I-880 and I-680 freeway corridors through the City promoting Merged Project Area businesses.

In addition, the California Outdoor Advertising Act ("Act") applies to the placement of advertising displays within 660 feet from the edge of the right-of-way when the advertising copy is visible from interstate highways or primary highways (Cal. Bus. & Prof. Code §5271). Under the Act, signs advertising businesses and activities developed within the boundary limits of a redevelopment project area may, with the consent of the redevelopment agency, be located anywhere within the limits of the project area when all of the land in the project area: (1) is contiguous, (2) is separated only by a public highway, or (3) includes land on which public facilities are developed. Under the Act, the signs may be in place for a period not to exceed 10 years or the termination of the redevelopment project, whichever occurs first,

unless an arrangement has been made for extension of the period between the redevelopment agency and CalTrans for good cause (Cal. Bus. & Prof. Code 5273).

By merging the two projects, all territory within the Project No. 1 Area and the Great Mall Project Area, with the exception of one 0.89-acre area within the Great Mall Project Area, would be contiguous and therefore qualify under part (1) of the Act. The one exception--i.e., the 0.89-acre area within the Great Mall Project Area which is non-contiguous--would nevertheless qualify under part (2) of the Act, because it would be separated from the rest of the proposed Merged Project Area by a public highway (Interstate 680). With the proposed merger, businesses throughout the Merged Project Area would be able to advertise on the new and renovated or replaced signs along the freeway corridors within the Merged Project Area. Without the proposed merger, such advertising would be limited or prohibited by the Act.

The additional awareness and increased patronage of Merged Project Area businesses is expected to increase the economic viability of businesses throughout the Merged Project Area. By increasing the viability of the core of the City, it is expected that the desirability of the area would be enhanced, further increasing the viability of additional housing development, including affordable housing. (As of fiscal year 2005-06, the Agency has exceeded its inclusionary requirement for providing affordable housing in or outside the two involved project areas by nearly 32 percent.)

Figure 1 shows the boundaries of the two Project Areas to be merged. The proposed Merged Project Area will contain approximately 2,380 acres, which would comprise approximately 27 percent of the total acres located within the Milpitas City limits. The general location of the proposed new and renovated or replaced signs is shown on Figures 2. The current Redevelopment Plans for the two Project Areas to be merged, and associated objectives of the proposed merger, are described below:

(b) Redevelopment Project Area No. 1. Redevelopment Project Area No. 1 ("Project No. 1") contains approximately 2,230 acres or 94 percent of the proposed Merged Project Area. The original Redevelopment Plan for Project No. 1 was adopted in September 1976. Since then, the Project No. 1 Redevelopment Plan has been amended nine times. The Redevelopment Plan for Project Area No. 1 was most recently amended in 2003 to increase the Project Area size, extend the plan time limits, and increase the Project Area debt limit. This allowed the Redevelopment Agency to issue a \$200 million tax allocation bond to finance its current redevelopment program for Project Area No. 1.

The adopted Project No. 1 Redevelopment Plan identifies various redevelopment goals and objectives for the Project Area No. 1, including:

- development of a safe, convenient and efficient transportation system serving the area, with special consideration for the circulation and parking needs of residential and business uses in the City's central business district;
- prevention of dispersal of employment opportunities and activities over a larger area and associated greater travel dependence and inconvenience;
- promotion of community utilities and public infrastructure development commensurate with City and regional needs;
- elimination of blighting influences including vacant and under-utilized land, deteriorated buildings, inadequate infrastructure, and other physical, economic, and environmental deficiencies;
- development of adequate civic, recreational, and cultural activity locations in the community;
- stimulation of commercial and industrial development and rehabilitation and creation of associated employment opportunities;
- rehabilitation and redevelopment of areas that are stagnant or improperly utilized;
- provision of opportunities for participation by owners in the revitalization of their properties;

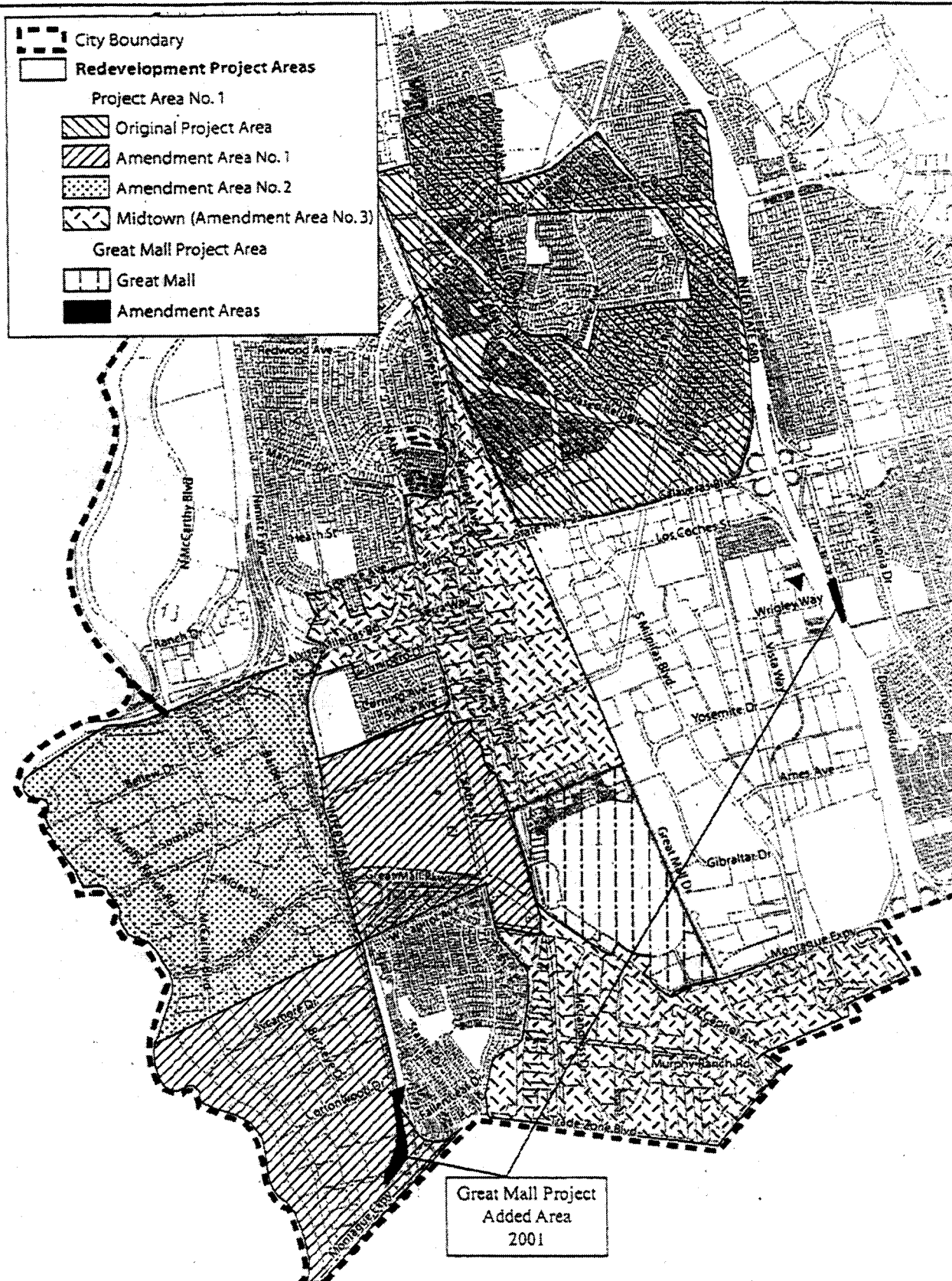


Figure 1

PROPOSED MERGED PROJECT AREA LOCATIONS



- publicizing of the position and special advantages of Milpitas as a place to conduct compatible and viable industrial and commercial activity; and
- provision of a variety of residential types to serve varying local and regional housing needs.

The proposed merger is intended to enable construction of new advertising signs and renovation or replacement of existing advertising signs along I-880 and I-680 through Milpitas, thereby furthering the above goals for Project Area No. 1 by:

- providing improved highway advertisement opportunities for central business district businesses and other businesses and public/civic activities in Project Area No. 1; and thereby
- increasing the desirability of the Project Area No. 1 as a place to conduct business;
- increasing Project Area No. 1 development viability and attracting more business to Project Area No. 1;
- drawing attention to Project Area No. 1 business areas, and in particular, highway-dependent (region-serving) businesses in the area, that are not or are no longer prominently visible from highway corridors due to Milpitas development patterns;
- providing improved way-finding--i.e., improved direction and efficiency--for vehicular traffic traveling to Project Area No. 1 commercial locations;
- providing funding for sign construction/reconstruction and maintenance by private businesses, including collecting fees through the establishment of a signage improvement district for benefiting businesses; and
- attracting a greater variety of uses to Project Area No. 1, including the downtown core, thereby increasing Project Area No. 1 desirability as a housing location, including affordable housing.

(c) Great Mall Redevelopment Project. The Great Mall Redevelopment Project Area ("Great Mall Project Area") consists of 150 acres. The original Redevelopment Plan for the Great Mall Project Area was adopted in 1993. The Great Mall Redevelopment Plan has been amended twice since then. The Plan was most recently amended in 2001 to add two non-contiguous parcels that would allow the continued use of freestanding highway advertising signs for the Great Mall Shopping Center. Tax increment is not collected from the Great Mall Project Area and the proposed merger would not change this status.

The identified purpose of the Great Mall Redevelopment Project has been to further the ongoing development and viability of the approximately 1,200,000 square foot Great Mall Shopping Center. Initially, the Agency assisted in the construction of necessary public infrastructure improvements to support this retail land use. Although the Agency does not receive tax increment revenue from the Great Mall Project Area, the City receives sales tax revenues from Great Mall retail activities. Under an Owner Participation Agreement with Ford Land Development, the original developer of the Great Mall, the City continues to share one-half of the sales tax revenues generated by sales at the Great Mall to reimburse Ford for the \$8.5 million in mall-facilitating public improvements that also benefit the City. After Ford sold the Great Mall to the Swerdlow Group in May 2000, the City issued the Great Mall of the Bay Area Sales Tax Revenue Bonds at a more favorable interest rate to reimburse the developer.

The adopted Great Mall Redevelopment Plan identifies various goals and objectives for the Great Mall Project Area, including:

- elimination of blighting influences and correction of environmental deficiencies (e.g., obsolete and aged building types, building vacancies, uneconomic land uses, inadequate and deteriorated public improvements and utilities);
- rehabilitation and development of stagnant or improperly utilized areas;

- provision of opportunities for owner participation in revitalization of their properties;
- strengthening of retail and other commercial functions in the Great Mall Project Area;
- strengthening of the economic base of the Great Mall Project Area and community as a whole by installation of improvements to stimulate new commercial expansion, employment and economic growth;
- provision of adequate open space and parking; and
- establishment and implementation of performance criteria to assure high site design standards, environmental quality, and design unity and integrity in the Great Mall Project Area.

The proposed merger is intended to enable construction of new advertising signs and renovation or replacement of existing advertising signs along I-880 and I-680, thereby furthering the goals for the Great Mall Project Area by:

- strengthening existing commercial activity in and stimulating new commercial development in the Great Mall Project Area; and
- accommodating participation by the Great Mall owner and other businesses in the utilization and maintenance of the proposed new and renovated advertising signs.

(d) Proposed Sign Characteristics. It is proposed that at least two of the new and renovated or replaced signs would include electronic "reader board" components, while the remaining three would be fixed-copy monument signs. In addition, installation of up to 25 lower profile way-finding signs is anticipated within the public right-of-way (medians, etc.) of surface streets through the Merged Project Area, such as Montague Expressway and/or Calaveras Boulevard, directing traffic to businesses in the Merged Project Area (e.g., the Great Mall, auto dealerships, etc.).

The proposed new and renovated or replaced signs are proposed to be similar in size and layout to numerous existing reader board and monument signs located along the Alameda and Santa Clara County stretches of I-880 and I-680 and along the San Francisco, San Mateo, and Santa Clara County stretches of U.S. 101.

The electronic reader board components would display rotating electronic (digital) "spots," typically approximately 8 seconds in duration, in 24-hour rotation, visible on two sides. At this preliminary point, top-of-sign maximum heights of up to 60 to 70 feet (four to five "stories") are anticipated for both the reader-board and monument type signs.

12. Surrounding Land Uses and Setting: Project Area No. 1 includes the City's core areas, including the recently reconstructed Milpitas Civic Center at Calaveras Boulevard and North Milpitas Boulevard and the City's central business district along Main Street. Portions of Project Area No. 1 also fall within the Milpitas Transit Area Specific Plan planning area, for which a new specific plan and EIR are currently being prepared. Project Area No. 1 is surrounded by an extensive mix of single-family and multi-family residential, commercial, research and development, industrial, distribution, institutional and transportation uses.

Similarly, the Great Mall Project Area is in an urbanized area surrounded by an existing mix of general commercial, industrial and residential uses. Since the opening of the Great Mall in September 1994, areas surrounding the Great Mall Project Area have been experiencing a land use transition from commercial and manufacturing to multi-family residential and commercial lodging.

13. Required Local Approval Procedures: The proposed merger amendments would require joint approval by the City of Milpitas City Council and the Redevelopment Agency of the City of Milpitas. Section 33354.6(a) of the CRL requires that when an agency proposes to amend a redevelopment project that utilizes tax increment to: (a) add territory to a project area; (b) increase either the limitation on the number of dollars (tax increment limit) to be allocated to the redevelopment agency or the time limit on

establishing loans, advances, and indebtedness (debt establishment); (c) lengthen the period during which the Plan is effective (plan effectiveness); (d) ***merge projects***; or (e) add significant additional capital improvement projects; the agency shall follow the same procedures it would for the adoption of a redevelopment plan.

14. Other Public Agencies Whose Approval is Required: Review by the California Department of Transportation (Caltrans) is expected to be required for the proposed highway signs. No other public agency approvals are expected.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | |

DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project **COULD** have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☒ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated impact." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project **COULD** have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further** is required.

Prepared by:

Signature:


John Wagstaff, Principal
Wagstaff and Associates

Date:

8-14-06

Reviewed by:

Signature:


Diana Whitecar
Economic Development Manager
Redevelopment Agency of the City of Milpitas

Date:

August 14, 2006

Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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ENVIRONMENTAL IMPACTS:

I. AESTHETICS. *Would the project:*

- a) *Have a substantial adverse effect on a scenic vista?*



Explanation: The proposed merger is intended to enable, among other redevelopment activities, the construction of new advertising signs and the renovation or replacement of existing advertising signs along Milpitas segments of the I-880 and I-680 highway corridors. The proposed advertising sign locations are illustrated on Figure 2, herein. The proposed new and renovated or replaced signs are intended to improve advertisement of businesses and public activities within the Merged Project Area.

Up to three possible new advertising sign locations are proposed, including:

- the southwest quadrant of the I-880/SR 237 (Calaveras Blvd.-Alviso-Mipitas Rd.) interchange;
- the northwest quadrant of the I-680/Jacklin Road interchange; and
- the northwest quadrant of the I-670/SR 237 (Calaveras Boulevard) interchange.

These new signs would be located on private property within the Merged Project Area near the edge of the freeway right-of-way.

The two existing advertising signs proposed for Redevelopment Agency-assisted renovation or replacement are located at:

- the northwest quadrant of the I-880/Montague Expressway interchange; and
- the east edge of I-680 opposite Wrigley Way, between the I-680/SR 237 (Calaveras Boulevard) and I-680/Montague Expressway interchanges.

The three new and two renovated existing highway signs, particularly the up to two proposed electronic message board types, may be visible from and have significant adverse visual impacts on one or more scenic vistas (see item I.a, above), substantially degrade the existing visual character or quality of the proposed sign site or its surroundings (see item I.c, below), or create a new source of substantial light or glare which would adversely affect day or nighttime views or nighttime sky viewing, in the area (see item I.d, below). The three new and two renovated or replaced advertising signs would, by design, be prominently visible from the I-880 and I-680 freeway corridors through Milpitas. The Santa Clara County segments of I-880 and I-680 are not designated State Scenic Highways; however, both are designated by the City of Milpitas General Plan as important "scenic connectors." The three new and two renovated or replaced advertising signs would also be visible to varying degrees from surrounding community vantage points, including locations in residential neighborhoods near or above the signs, with potentials to have a substantial adverse effect on scenic vistas, substantially degrade the visual character or quality of affected neighborhood vantage points, or create new sources of substantial light or glare which would adversely affect day or nighttime views (including nighttime sky views) in the affected neighborhoods. The proposed new sign locations along I-680 at Jacklin Road and at SR 237 (Calaveras Boulevard) are adjacent to existing single-family residential subdivisions, and may also be visible from more distant views from elevated roadways and residential neighborhoods east of I-680 (e.g.: Old Calaveras Road and hillside residential areas along Quince Drive, Country Club Drive and Calaveras Ridge Drive). The SEIR will address these issues.

- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*



Explanation: There are no state-designated scenic highways near the proposed sign locations (the I-880, I-680, and SR 237 corridors through Milpitas are not designated State Scenic Highways).

- | | Potentially
Significant
Impact | Less-Than-
Significant
With
Mitigation
Incorporated | Less-Than-
Significant
Impact | No
Impact |
|---|--------------------------------------|---|-------------------------------------|--------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Explanation: See item I.a above. The SEIR will address this issue.

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|

Explanation: See item I.a above. The SEIR will address this issue.

II. AGRICULTURE RESOURCES. (In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.) Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: No existing agricultural uses are located in or near the Merged Project Area. The City of Milpitas is not included on the maps of important farmland prepared biannually by the California Department of Conservation (a department of the California Resources Agency). The proposed merger would not result in conversion of any existing farmland or have an impact on existing agricultural resources.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: No portion of the Merged Project Area is zoned for agricultural use, nor is any portion of the area under a Williamson Act contract.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See item II.a above.

III. AIR QUALITY. (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: The proposed merger, including the merger-enabled new and reconstructed existing advertising signs, are intended to foster continued and increased business and other activity in the Merged Project Area. Any related ("project-induced") growth would by requirement be consistent with the applicable land use plans and zoning of the City of Milpitas. No General Plan or zoning changes are proposed by the project. The project and any associated project-induced growth would therefore not have any significant additional air emissions impacts beyond those previously analyzed and identified (see the list on page 2 of the attached Notice of Preparation of previous CEQA documentation for the two Redevelopment Plans being amended) or beyond those anticipated in the Bay Area Air Quality Management District (BAAQMD) Clean Air Plan.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: See item III.a above.

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Significant
Impact | Less-Than-
Significant
With
Mitigation
Incorporated | Less-Than-
Significant
Impact | No
Impact |
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| c) <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Explanation: See item III.a above.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) <i>Expose sensitive receptors to substantial pollutant concentrations?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: See item III.a above.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) <i>Create objectionable odors affecting a substantial number of people?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: See item III.a above.

IV. BIOLOGICAL RESOURCES. Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: The Merged Project Area is comprised of and adjoins a developed urban environment. The proposed merger project and associated advertising sign construction and reconstruction activity would not result in a substantial additional effect on, or a substantial additional diminishment of, any plant or animal habitat or fish or other wildlife species beyond those previously addressed (see the list on page 2 of the attached Notice of Preparation of previous CEQA documentation for the two Redevelopment Plans being amended).

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: See item IV.a above.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) <i>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: See item IV.a above.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The Merged Project Area is comprised of and adjoins a developed urban environment. The proposed new and reconstructed advertising signs would not interfere with the movement or activities of any

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors or nursery sites.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The proposed project would not conflict with any local policies or ordinances protecting biological resources.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved, local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The Merged Project Area is located in an urbanized environment and the proposed advertising sign locations are not subject to any adopted habitat conservation plan or natural community conservation plan.

V. CULTURAL RESOURCES. *Would the project:*

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: No known historic resources as defined in CEQA Guidelines section 15064.5 are located at or near the proposed new or renovated advertising sign sites.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The proposed new and renovated advertising sign sites are within urbanized areas. No additional substantial adverse changes in the significance of an archaeological resource in the Merged Project Area are anticipated beyond those previously addressed (see the list on page 2 of the attached Notice of Preparation of previous CEQA documentation for the two Redevelopment Plans being amended).

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| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: The Merged Project Area, including the proposed new and renovated advertising sign locations, encompasses an urbanized environment that does not include any identified unique geological features. No paleontological resources have been identified or indicated in these locations.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See item V.b above. There are no formal cemeteries located near the proposed new and renovated sign locations or elsewhere within the Merged Project Area.

VI. GEOLOGY AND SOILS. *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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Division of Mines and Geology Special Publication
42.)

Explanation: There are no known active faults traversing the Merged Project Area, and therefore no impacts from fault rupture are expected. By law, all merger-facilitated construction, including advertising sign construction and renovation, would be required to comply with current applicable building codes and engineering standards of the City of Milpitas. Nevertheless, the City, in its review of the proposed signage designs, may require preparation of individual geotechnical reports to assess the nature and severity of on-site geotechnical hazards (if any) and recommend appropriate engineering and construction features to reduce such hazards to less-than-significant levels.

ii) Strong seismic ground shaking? ☐ ☐ ☒ ☐

Explanation: The project area is within a seismically active region and could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region (e.g., San Andreas fault, Hayward fault, Calaveras fault). By law, all merger-facilitated construction, including advertising sign construction and re-construction, would be required to comply with the most stringent applicable seismic design provisions of the latest Uniform Building Code (UBC) as well as with the seismic safety performance standards of the City of Milpitas. Nevertheless, the City, in its review of the proposed sign designs, may require preparation of individual geotechnical reports to assess the nature and severity of on-site geotechnical hazards (if any) and recommend appropriate engineering and construction features to reduce such hazards to less-than-significant levels.

iii) Seismic-related ground failure, including liquefaction? ☐ ☐ ☒ ☐

Explanation: The liquefaction and other geotechnical impacts associated with redevelopment-facilitated urban growth and development in the Merged Project Area, and associated mitigation requirements, have been adequately addressed in previous CEQA documentation for the two Redevelopment Plans to be amended (see the list on page 2 of the attached Notice of Preparation). These previous geotechnical findings indicate that the potential for seismic-related ground failure, including liquefaction, in the Merged Project Area, including the proposed advertising sign locations, is low. By law, all merger-facilitated construction, including advertising sign construction, would be required to comply with current applicable building codes and engineering standards of the City of Milpitas. Nevertheless, the City, in its review of the proposed signage designs, may require preparation of individual geotechnical reports to assess the nature and severity of on-site geotechnical hazards (if any) and recommend appropriate engineering and construction features to reduce such hazards to less-than-significant levels. Therefore, liquefaction-related damage to merger-enabled new and reconstructed signs is not anticipated.

iv) Landslides? ☐ ☐ ☒ ☐

Explanation: The Merged Project Area, including the proposed sign construction and re-construction sites, is relatively flat and largely built out. The proposed new and re-constructed sign sites present minimal landslide hazard, with minimal natural topographic features. By law, all merger-facilitated construction, including advertising sign construction, would be required to comply with current applicable building codes and engineering standards of the City of Milpitas. Nevertheless, the City, in its review of the proposed signage designs, may require preparation of individual geotechnical reports to assess the nature and severity of on-site geotechnical hazards (if any) and recommend appropriate engineering and construction features to reduce such hazards to less-than-significant levels.

b) Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☒ ☐

Explanation: Sign construction and re-construction facilitated by the proposed merger could involve grading or other activities that could temporarily expose disturbed soils to erosion. City requirements to reduce erosion would be implemented pursuant to the Milpitas Municipal Code.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or ☐ ☐ ☒ ☐

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Explanation: See items VI.a.i through VI.a.iv above.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) <i>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: As discussed under item VI.a above, merger-facilitated sign and other construction activity would be subject to review and approval by the City, an existing process designed to ensure that such redevelopment-facilitated construction projects would not create a substantial risk to life or property as a result of geotechnical factors, including expansive soils.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) <i>Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Explanation: No septic systems or other alternative wastewater disposal systems would be required due to the project.

VII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) <i>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Explanation: The project would not involve the transport, use or disposal of hazardous materials to a degree that would create a significant hazard to the public.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Explanation: See item VII.a above.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Explanation: See item VII.a above.

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| d) <i>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Explanation: The merger-enabled advertising sign construction and reconstruction sites are not included on such a list of hazardous materials sites.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) <i>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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Explanation: The Merged Project Area, including the proposed advertising sign construction and reconstruction sites, is not located within any airport-related "restricted zone" (e.g., noise exposure/land use compatibility, height limit, airport obstruction) or within two miles of a public airport.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☒

Explanation: No private airstrip exists in the Merged Project Area or surrounding vicinity.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒

Explanation: Merger-facilitated redevelopment activities would not be expected to physically interfere with any existing emergency response plans.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ☐ ☐ ☐ ☒

Explanation: The Merged Project Area, including the proposed advertising sign locations, is within an urbanized setting with almost no wildland fire hazard potential.

VIII. HYDROLOGY AND WATER QUALITY. Would the project:

- a) Violate any water quality standards or waste discharge requirements? ☐ ☐ ☒ ☐

Explanation: The merger-facilitated additional redevelopment activities, including the proposed new advertising sign construction and existing advertising sign reconstruction, would not result in any significant additional potentials for violation of water quality standards or waste discharge requirements beyond those addressed in the previous CEQA documentation for the two affected Redevelopment Plans (see list of previous CEQA documents on p. 2 of the attached Notice of Preparation). The proposed sign installation and sign renovation locations are already highly urbanized. The total grading area and amount of excavation necessary to install the new signs would be less than one acre in size and therefore below levels triggering National Pollutant Discharge Elimination System (NPDES) permit requirements administered by the City and San Francisco Bay Regional Water Quality Control Board (RWQCB), including associated Storm Water Pollution Prevention Plan (SWPPP) requirements.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ☐ ☐ ☒ ☐

Explanation: The proposed sign locations are small in area, surrounded by existing urbanization, and do not provide a significant source of groundwater or groundwater recharge. The proposed signs would have no measurable water supply implications.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ☐ ☐ ☒ ☐

Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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Explanation: The proposed new sign locations are small in area and surrounded by existing urbanization. The proposed new sign installation and existing sign renovation or replacement activities would not substantially change drainage rates, volumes, or patterns in the sign vicinities in a manner which would result in substantial erosion or siltation on- or off-site.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: The merger-enabled sign construction activity would not significantly alter existing drainage patterns in the sign vicinities, would not alter the course of any existing drainage channel, and would not measurably increase the amount of surface runoff.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: See items VIII.c and VIII.d above. The merger-enabled sign construction activity would not significantly alter existing drainage patterns in the sign vicinities, would not alter the course of any existing drainage channel, and would not measurably increase the amount of surface runoff.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) <i>Otherwise substantially degrade water quality?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Explanation: See item VIII.a above.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) <i>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The proposed merger and associated sign construction and reconstruction activities would not result in any substantial change in local housing development patterns from those anticipated in previous CEQA documentation prepared for the two affected Redevelopment Plans (see list on page 2 of the attached Notice of Preparation).

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| h) <i>Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: The small area of ground disturbance associated with merger-related sign construction and reconstruction activities, and the added new permanent sign structures, would not have a significant effect on flood flows or the capacity of any flood inundation areas.

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|---|--------------------------|--------------------------|--------------------------|--------------------------|
| i) <i>Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

Explanation: See item VIII.g above.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| j) <i>Result in inundation by seiche, tsunami, or mudflow?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The proposed new sign or affected existing locations are not susceptible to inundation by seiche, tsunami, or mudflow.

IX. LAND USE AND PLANNING. Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) <i>Physically divide an established community?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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Explanation: The proposed merger-enabled new sign installation and renovation activities would not be in a location or be of a scale and configuration that would result in a significant impact on established community land use patterns.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance), adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: By law, redevelopment plan-facilitated development activities, including merger-enabled sign construction and reconstruction, would be subject to applicable goals, policies, guidelines, and standards of the City's General Plan and Municipal Code. As indicated under item I.a above, the proposed new and renovated sign sites, design characteristics, and simulated visual implications will be independently evaluated by the EIR consultants for consistency with pertinent Milpitas General Plan policies and standards, and with pertinent and applicable Caltrans policies and requirements.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The proposed Merged Project Area is not subject to an existing habitat conservation plan or natural community conservation plan.

X. MINERAL RESOURCES. Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: No known mineral resources exist at the proposed new and renovated sign locations.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Explanation: See item X.a above.

XI. NOISE. Would the project result in:

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|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standard of other agencies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|

Explanation: Anticipated merger-enabled sign construction and reconstruction activities, including earthmoving, could result in significant temporary increases in existing noise levels and temporary groundborne vibration impacts of one or more specific residential and commercial lodging properties nearest the proposed sign locations. The SEIR will address this issue.

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| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Explanation: See item XI.a above.

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|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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Explanation: The up to two advertising signs that are proposed to incorporate rotating digital (electronic) message boards may have significant long-term noise intrusion impacts on noise-sensitive nearby land uses. This issue will be addressed in the SEIR.

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| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Explanation: See item XI.a above.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The proposed merger-enabled sign construction and reconstruction locations are not within an existing airport land use plan referral area and are not within two miles of a public or public use airport.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: No private airstrip is located in the proposed sign construction or reconstruction area vicinities.

XII. POPULATION AND HOUSING. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: The proposed redevelopment plan merger amendments and merger-enabled sign construction and reconstruction would not be expected to induce substantial additional urban growth in the Merged Project Area, and associated cumulative, "programmatic" environmental impacts, beyond levels already anticipated and addressed in CEQA documentation prepared for the original Project Area No. 1 and Great Mall Project Area redevelopment plans. See page 2 of the attached Notice of Preparation for a listing of these previous CEQA documents.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The proposed merger-enabled sign construction and reconstruction activities would take place on vacant properties and/or available commercial sites (parking areas, etc.) near or adjacent to the I-880 and I-680 freeway rights-of-way. No existing or planned housing would be displaced by the proposed sign improvements.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Explanation: See items XII.a and XII.b above.

XIII. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

a) Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Explanation: The proposed redevelopment plan merger amendments and merger-enabled sign construction and reconstruction would not be expected to induce substantial additional urban growth in the Merged Project Area, and associated cumulative, "programmatic" environmental impacts, beyond levels already anticipated and addressed in CEQA documentation prepared for the original Project Area No. 1 and Great Mall Project Area redevelopment plans. See page 2 of the attached Notice of Preparation for a listing of these previous CEQA documents. The proposed merger-enabled new and reconstructed highway signs would not result in any significant new or physically altered fire protection, emergency medical, police, schools, parks, or other public facilities needs, the construction of which would cause significant environmental impacts.

b) Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Explanation: See item XIII.a above.

c) Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Explanation: See item XIII.a above.

d) Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Explanation: See item XIII.a above.

e) Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Explanation: See item XIII.a above.

XIV. RECREATION.

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Explanation: See item XIII.a above.

b) *Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Explanation: See item XII.a above.

XV. TRANSPORTATION/TRAFFIC. *Would the project:*

a) *Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
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volume to capacity ratio on roads, or congestion at intersections)?

Explanation: The proposed redevelopment plan merger amendments and merger-enabled sign construction and reconstruction would not be expected to induce substantial additional urban growth in the Merged Project Area, and associated cumulative, "programmatic" environmental impacts, beyond levels already anticipated and addressed in CEQA documentation prepared for the original Project Area No. 1 and Great Mall Project Area redevelopment plans. See page 2 of the attached Notice of Preparation for a list of these previous CEQA documents. In particular, the proposed additional redevelopment activities enabled by the merger would not be expected to result in a substantial increase in redevelopment project area vehicular trip generation, roadway volume-to-capacity ratios, or intersection congestion (level-of-service impacts) beyond those already anticipated and addressed in previous redevelopment program CEQA documentation.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See item XV.a above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See items XI.e and XI.f above.

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|

Explanation: The proposed new, visually prominent advertising signs, including the digital message board components, may have driver distraction and associated traffic safety impacts. The SEIR will address this issue.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The proposed new and reconstructed highway signs would have no significant effects on existing or planned emergency access provisions.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Explanation: Although one or more of the merger-enabled new advertising signs may be located within an existing private parking area, the number of displaced parking stalls would be minimal (5 or less). The proposed new and reconstructed highway signs would not be expected to have a significant site-specific or cumulative effect on parking adequacy.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: The merger-enabled additional redevelopment activities, including the proposed new and reconstructed advertising signs, would have no significant adverse impact on plans or programs supporting alternative transportation modes.

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

- | | Potentially
Significant
Impact | Less-Than-
Significant
With
Mitigation
Incorporated | Less-Than-
Significant
Impact | No
Impact |
|---|--------------------------------------|---|-------------------------------------|-------------------------------------|
| b) <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Explanation: See item XIII.a above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) <i>Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See item XIII.a above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) <i>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See item XIII.a above.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) <i>Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See item XIII.a above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See item XIII.a above.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) <i>Comply with federal, state, and local statutes and regulations related to solid waste?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Explanation: See item XIII.a above.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|

Explanation: This Initial Study has determined that impacts pertaining to the quality of the environment, (aesthetics, noise, and traffic safety) could be significant.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) <i>Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
--------------------------------------	---	-------------------------------------	--------------

Explanation: The proposed redevelopment plan merger amendments and merger-enabled advertising sign construction and reconstruction would not be expected to induce substantial additional urban growth in the Merged Project Area, and associated cumulative, "programmatic" environmental impacts, beyond levels already anticipated and addressed in CEQA documentation prepared for the original Project Area No. 1 and Great Mall Project Area redevelopment plans. See page 2 of the attached Notice of Preparation for a listing of these previous CEQA documents. The proposed merger-enabled additional redevelopment activities, including the proposed new and improved advertising signs, would have no significant additional cumulative environmental impacts.

- c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*



Explanation: See item XVII.a above.

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PLANNING & ENVIRONMENTAL
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ATTENTION: CHRIS JEW
1376 PIEDMONT ROAD
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MILPITAS, CA 95035

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TUSTIN, CA 92780

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SUDHIR MANDAL,
COMMISSIONER

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TOMO TUONG NGUYEN,
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APPENDIX 11.2:

CEQA STANDARDS FOR EIR ADEQUACY

According to section 15151 of the CEQA Guidelines, the standards for Adequacy of an EIR are as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

APPENDIX 11.3:

CEQA DEFINITION OF "MITIGATION"

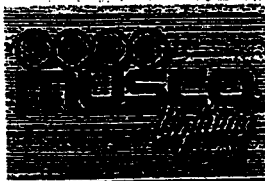
According to section 15370 of the CEQA EIR Guidelines, the term "mitigation" includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree of magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impacts by replacing or providing substitute resources or environments.

APPENDIX 11.4
SUPPLEMENTAL LIGHTING INFORMATION

Milpitas Project Area Merger Program
Redevelopment Agency of the City of Milpitas
September 18, 2006

Draft Supplemental EIR
Appendix 11.4



Permanent Lighting

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APPENDIX 11.5 EIR CONSULTANT TEAM

CITY OF MILPITAS

Diana Whitecar, Economic Development Manager
Tom Williams, Planning and Neighborhood Services Director
Cindy Maxwell, Principal Administrative Analyst, Planning and Neighborhood Services
Department

WAGSTAFF AND ASSOCIATES

Urban and Environmental Planners; Prime Contractor

John Wagstaff, Principal-in-Charge
Ray Pendro, Senior Planner
Steve Ridone
Toni Fricke

ENVIRONMENTAL VISION

Visual Simulation Consultants

Marsha Gale, Principal
Chuck Cornwall, Principal

